

STATE PEN

MARK SCOLFORO

Associated Press

BELLEFONTE, Pennsylvania

(AP) — A former assistant college football coach maintained his innocence as he was sentenced Tuesday to at least 30 years in prison in the child sexual abuse scandal that brought shame to Penn State university and led to coach Joe Paterno's downfall.

Jerry Sandusky, 68, was found guilty in June of 45 counts of child sexual abuse, convicted of molesting 10 boys over a 15-year period. Witnesses said Sandusky used the charitable organization he founded for troubled children as his personal



Former Penn State University assistant football coach Jerry Sandusky is taken from the Centre County Courthouse after being sentenced in Bellefonte, Pa., Tuesday, Oct. 9, 2012.

(AP Photo/Matt Rourke)

hunting ground to find and groom boys to become his victims.

The case tarnished the reputation of one of the most storied college football programs in the U.S. and stunned a nation where college sports are revered.

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The U.S. diplomatic compound that was attacked and ambushed on Sept. 11, 2012 in Benghazi, Libya. A top State Department security official in Libya told a congressional investigator that he had argued unsuccessfully for more security in the weeks before Ambassador Chris Stevens and three other Americans were killed.

(Mohammad Hannon/Associated Press, for The New York Times)

US official in Libya said he wanted more security

LARRY MARGASAK

Associated Press

WASHINGTON (AP) — A top

State Department security official in Libya told a congressional investigator that he had argued unsuccessfully for more security in the weeks before Ambassador Chris Stevens and three other Americans were killed. Department officials instead wanted to "normalize operations and reduce security resources," he wrote in an email obtained Tuesday by The Associated Press.

Eric Nordstrom, who was the regional security officer in Libya, also referenced a State Department document that detailed 230 security incidents in Libya between June 2011 and July

2012 that demonstrated the danger there to Americans.

Stevens, a State Department computer specialist and two former Navy commandos were killed at the U.S. Consulate in Benghazi, Libya, on Sept. 11. U.S. officials initially described the attack as a spontaneous protest over an anti-Muslim Internet video, but later called it terrorist act.

The Benghazi attack has been grist for the presidential election campaign, with Republican nominee Mitt Romney and party lawmakers criticizing the Obama Democratic administration's handling of the security situation and its early descriptions of the attack.

Nordstrom is among the witnesses set to testify Wednesday before the House Oversight and Government Reform Committee. According to the panel's Republican, Rep. Darrell Issa, and the Republican head of a subcommittee, Rep. Jason Chaffetz, the State Department refused repeated requests to provide more security for U.S. diplomats in Libya.

Nordstrom's Oct. 1 email referred to his earlier communications with superiors at the State Department and indicates the department turned down his pleas for more security.

"You will note that there were a number of incidents that targeted diplomatic missions and underscored

the GoL's (government of Libya) inability to secure and protect diplomatic missions," the email stated. "This was a significant part of (the diplomatic) post's and my argument for maintaining continued DS (diplomatic security) and DOD (Department of Defense) security assets into Sept/Oct. 2012; the GoL was overwhelmed and could not guarantee our protection."

"Sadly, that point was reaffirmed on Sept. 11, 2012, in Benghazi," he added.

Nordstrom said the incidents demonstrated that security in Libya was fragile and could degrade quickly.

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30-60 Years:

Defiant Sandusky sentenced in Penn State sex abuse case

Continued from front

It led to the firing of Paterno, the team's longtime head football coach, who died from lung cancer in January.

In court, a defiant Sandusky gave a rambling statement in which he denied the allegations and talked about his life in prison and the pain of being away from his family.

"I've forgiven, I've been forgiven. I've comforted others, I've been comforted. I've been kissed by dogs, I've been bit by dogs," he said. "I've conformed, I've also been different. I've been me. I've been loved, I've been hated."

Three victims spoke, often fighting back tears. One looked Sandusky in the eyes at times. Two of the men exchanged a long embrace after court was adjourned.

Judge John Cleland handed down a 30- to 60-year term. He called Sandusky dangerous, saying he betrayed children and abused their trust.

Sandusky's arrest 11 months ago, and the details that came out during his trial over the summer transformed his public image from a college coach who had been widely admired for his work with The Second Mile charity into that of a reviled pervert who preyed on the very youngsters who sought his help. Eight of the boys he was found guilty of molesting testified at his trial, describing a range of abuse that included fondling, oral sex and anal intercourse. One of the prosecution's star witnesses, former graduate assistant Mike McQueary, testified that he saw Sandusky raping a boy in a locker room shower.

Sandusky has consistently maintained his innocence and plans to appeal. One element of the appeal is

was charged in November, following a lengthy investigation. Sandusky said he knows in his heart that he

that aired Monday night by Penn State Com Radio. In the radio recording, Sandusky described himself as the victim of a coordinated conspiracy among Penn State, investigators, civil attorneys, the media and others. His statement in court lasted 15 minutes and his voice cracked as he spoke of missing his loved ones.

"I speak today with hope in my heart for a brighter day, not knowing if that day will come," Sandusky said. "Many moments have been spent looking for a purpose. Maybe it will help others, some vulnerable children who might have been abused, might not be, as a result of the publicity." His statement also included numerous sports references: He said he once told his wife "we're definitely in the fourth quarter" and he referenced the movie "Seabiscuit." □



Gayle Barnes, left, and Joshua Harper, jurors in Jerry Sandusky's trial, speak with members of the media outside the Centre County Courthouse in Bellefonte, Pa., Tuesday, Oct. 9, 2012.

(AP Photo/Matt Rourke)

expected to be a claim that the defense did not have time to adequately prepare for trial. Sandusky

did not do what he called "disgusting acts," repeating a comment he made in a three-minute monologue

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Official warmth, public rage for German leader in Athens

NIKI KITSANTONIS

NICHOLAS KULISH

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ATHENS, Greece — With thousands of police reinforcements on duty to shield her from rowdy protesters who see her as the archvillain of the euro crisis and their national pain, Chancellor Angela Merkel of Germany was greeted by the Greek prime minister as "a friend of Greece" and tried to reassure the Greek people that she was here not "as a teacher, to give grades" but rather as "a real partner."

Not persuaded, furious Greeks held rallies and protests that included a job walkout by civil servants, including teachers and doctors. Some banners at the rallies read "Don't Cry for Us Mrs. Merkel," and "Merkel You Are Not Welcome Here." A small group of protesters burned a flag bearing the symbol of the Nazi swastika while four protesters dressed in Nazi-style uniforms drew cheers of approval as they rode a small jeep past a police cordon. Merkel's visit stands as the high point thus far of her recent efforts to show a renewed dedication to European solidarity after years of harsh words and

increasingly strained relations within the European Union. But it coincides with a report from the International Monetary Fund that underscores the challenges that lie ahead. Greece

percent, according to The Associated Press. Moreover, Greece is not expected to begin generating surpluses to begin paring the debt until 2016, two years later than hoped.

the Greek people had endured as the government forced through deep spending cuts in the midst of a recession that has lasted for years. But she said the country was headed in



Protesters flee tear gas in front of the Parliament during a demonstration against the first visit to Athens by German Chancellor Angela Merkel since the debt crisis began, in Athens on Oct. 9, 2012. Greeks held rallies and protests that included a job walkout by civil servants, including teachers and doctors.

(Angelos Tzortzinis/The New York Times)

would miss its five-year target for debt reduction, the report said, with total indebtedness falling only to 152.8 percent of gross domestic product in 2017, against the goal of 137.3

At a joint news conference with Prime Minister Antonis Samaras, Merkel said Greece must make good on its commitments to creditors but acknowledged the suffering that

the right direction.

"I am convinced that the path, which is a difficult path, will lead to success," Merkel said. She called for patience and endurance to see through Greece's

negotiations with its so-called troika of foreign lenders, the International Monetary Fund, the European Central Bank and the European Commission, on the latest round of austerity measures. This package of cuts, worth \$17.4 billion, would secure a \$40.8 billion loan from the troika. Without those funds, the country faces default in late November.

"It is in our common interest that we in Europe once again win back our credibility in the world and show that in the eurozone we can solve our problems together," Merkel said.

Samaras also stressed the importance of reviving the moribund economy.

"The recession is the enemy," he said.

"Greek people are bleeding right now, but we are determined to remain in Europe and to win this gamble," he said, noting that Merkel's visit had "broken our international isolation" and "turned a new page in the relations of Greece and Germany."

"Greece has increased its credibility," he said.

Anticipating an outpouring of public rage, Greek authorities had banned protests in much of downtown Athens and mounted the biggest security operation since 1999 when President Bill Clinton visited Athens amid furious protests at NATO airstrikes against the former Yugoslavia.

Some 7,000 police officers, many brought to the capital from the provinces for the day, are on standby along with rooftop snipers. Security was particularly heavy outside the Parliament and the German Embassy, where the police were prepared to resort to the use of water cannons if needed. A mostly peaceful demonstration near Parliament of about 40,000 — modest by Greek standards — was marred by small outbursts of violence in the early afternoon when hooded protesters broke away and started throwing stones at police officers who responded with tear gas. □

Taliban shoots 14-year-old girl activist

REBECCA SANTANA

SHERIN ZADA

Associated Press

MINGORA, Pakistan (AP) —

Fourteen-year-old Malala Yousufzai was admired across a battle-scarred region of Pakistan for exposing the Taliban's atrocities and advocating for girls' education in the face of religious extremists. On Tuesday, the Taliban nearly killed her to quiet her message.

A gunman walked up to a bus taking children home from school in the volatile northern Swat Valley and shot Malala in the head and neck. Another girl on the bus was also wounded. The young activist was airlifted by helicopter to a military hospital in the frontier

city of Peshawar. A doctor in the city of Mingora, Tariq Mohammad, said her wounds weren't life-threatening, but a provincial in-

lined the girl that the next few days would be crucial. Malala began writing a blog when she was just 11 under the pseudonym Gul



A wounded Pakistani girl, Malala Yousufzai, is moved to a helicopter to be taken to Peshawar for treatment in Mingora, Swat Valley, Pakistan on Tuesday, Oct. 9, 2012. A Taliban gunman walked up to a bus taking children home from school in Pakistan's volatile Swat Valley Tuesday and shot and wounded a 14-year-old activist known for championing the education of girls and publicizing atrocities committed by the Taliban, officials said.

(AP Photo/Sherin Zada)

formation minister said after a medical board exam-

began speaking out publicly in 2009 about the need for girls' education — which the Taliban strongly opposes. The extremist movement was quick to claim responsibility for shooting her. "This was a new chapter of obscenity, and we have to finish this chapter," Taliban spokesman Ahsanullah Ahsan by telephone.

The shooting provoked outrage across the country, angering Pakistanis who have seen a succession of stories about violence against women by the Taliban. "This attack cannot scare us nor the courageous Malala. This cowardly act cannot deter Malala to give up her efforts," said Azizul Hasan, one of the girl's cousins. □

Some NC blacks conflicted in support for Obama

SUSAN SAULNY

© 2012 New York Times

RALEIGH, N.C. — Dexter Hady, a black landscaper here, is exactly the kind of Obama supporter who could have slipped through the cracks this year. He recently moved to a new address and, not being as excited about the coming election as he was about the 2008 campaign, neglected to update his voter registration.

By chance, a volunteer for the Obama campaign stopped Hady outside of the Wake County Courthouse here recently and asked him if he was prepared to vote. Hady said no, and went on to explain: "I can say I was definitely more excited to vote for Obama last time. I guess part of it is that history has already been made."

For the Obama campaign, it is almost impossible to overstate the importance of winning over people like Hady again in North Carolina, which has the largest percentage of black voters of any of the swing states — especially in the wake of President Barack Obama's performance in the first debate on Oct. 3, which

was widely seen as lackluster. In 2008, a strong black turnout that voted almost exclusively for Obama was credited with helping to turn North Carolina blue for the first time in decades, contributing to his ultimate victory.

For that to happen again, Obama would need a near repeat of black voter behavior in Raleigh and

up. And some socially conservative black ministers in North Carolina, where voters passed a referendum against gay marriages and civil unions in May, remain troubled that Obama endorsed same-sex marriage this year.

"When I voted for Obama in the previous election, I did think he was closer to my values," said the Rev. Dr.

decided right now."

In 2008, Obama received 95 percent of the black vote nationally, and in North Carolina, virtually every black woman who voted did so for Obama, along with 87 percent of black men, according to exit polls.

In recent national polls, Obama overwhelmingly leads Mitt Romney, the Republican challenger, among blacks. A New York Times/CBS News Poll conducted last month showed that 94 percent of likely black voters supported Obama, compared with 6 percent who said they would vote for Romney. And the intensity of support for Obama was high, with nearly nine out of 10 black voters saying they "strongly favored" him. But it remains unclear what effect recent local developments will have on black turnout here in North Carolina, where a small drop-off in the support of a core constituency could have an outsize impact.

Some black voters say they are conflicted this year.

Dawrence Hutley operates a popular lunch cart on a main thoroughfare here

that is midway between the Obama campaign's state headquarters, on one side of downtown, and its home base for volunteers, on the other.

But even though he works in the cross hairs of the Democratic effort to win this crucial swing state, Hutley, a black independent voter, is undecided between Obama, for whom he voted in 2008, and Romney.

"I like what Romney says about taxes, being a small-business owner, but I'm also middle class, so I hear what Barack Obama is saying," Hutley, 30, said. "I want to wait until the last minute, to see what they pull out at the end."

But other black voters — even the unenthusiastic — say there is no choice for them but Obama.

"Even if I'm not really excited, I think it's important to vote for Obama at the end of the day because of that other guy," Hady said of Romney. "I listen to him, so I know how out of touch he is."

When Hady was approached outside of the courthouse by an Obama campaign volunteer, he was encouraged to update his voter registration information.

By the end of his conversation with the volunteer, Hady had committed to early voting and said he would also be happy to "spread the word" to family and friends — a perfect outcome, from the point of view of the campaign, which has invested much time and effort into on-the-ground operations.

In fact, the volunteer office in Raleigh from the 2008 election never closed. The ground game today represents four years of accumulated data and organizing experience.

"When you look at a state that is as close as this was, you can't take any group for granted," said Cameron French, press secretary for the Obama campaign in North Carolina. "We are making a concentrated effort to turn out 100 percent of the base." □



Dawrence Hutley, an independent voter, works at his food stand in Raleigh. The Obama campaign is trying to win over voters that are undecided in North Carolina, which has the largest percentage of black voters of any of the swing states.

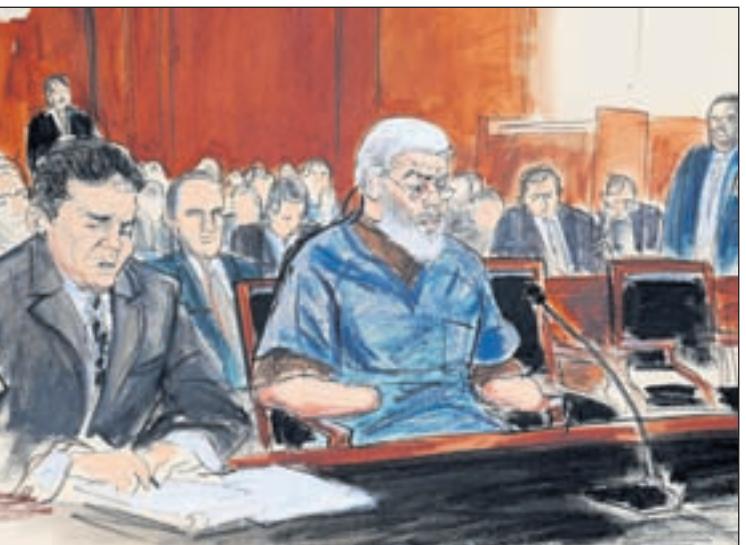
(John W. Adkisson/The New York Times)

across the state. But times have changed. Enthusiasm is down, unemployment is

John H. Grant, 58, a black Baptist pastor in Asheville, N.C. "I'm pretty much un-

In New York:

Egyptian-born terror suspect pleads not guilty



In this courtroom drawing, defense attorney, Jeremy Schneider, left, represents accused terrorist Abu Hamza al-Masri, center, in Manhattan federal court, Tuesday, Oct. 9, 2012, in New York.

(AP Photo/ Elizabeth Williams)

"He's presumed innocent," his court-appointed lawyer, Jeremy Schneider, said outside court afterward.

When someone asked Schneider whether he thought his client was a terrorist, he snapped: "That's a silly

question."

Schneider said his client prefers to be known as Mustafa Kamel Mustafa, the name listed first on his indictment. Abu Hamza and Abu Hamza al-Masri are listed as aliases.

There was no mention in court Tuesday about access to the prosthetics — including a hook — that Mustafa uses in place of the hands he says he lost fighting the Soviets in Afghanistan, but Schneider said outside court that it was a problem for him.

"I believe he has use of them for a certain part of the day but not long enough to allow him to function the way he should function," he said. □

More victims in Central Park sexual assault case

TOM HAYS
Associated Press

NEW YORK (AP) — A homeless ex-convict accused of beating and sexually assaulting a 73-year-old birdwatcher in Central Park randomly groped two more women near the park before his capture, authorities said Tuesday.

Prosecutors announced the additional allegations against David Albert Mitchell at an arraignment Tuesday in state court in Manhattan. They also accused him of threatening to spit on and punch police officers following his arrest.

In addition to first-degree rape, the jailed Mitchell pleaded not guilty Tuesday to lesser charges of forcible touching and sex abuse



City Council member Melissa Mark-Viverito speaks at a news conference as an advocate in the fight against violence on women at Central Park in New York. A homeless ex-convict accused of beating and sexually assaulting a 73-year-old birdwatcher in Central Park randomly groped two more women near the park before his capture, authorities said Tuesday.

(AP Photo/Bebeto Matthews)

involving the two other women. They credited the original victim with helping

identify the alleged attacker, described as a drifter from West Virginia with a violent past.

"We want to thank the victim for her courage and for her assistance in the investigation," District Attorney Cyrus R. Vance Jr. said in a statement. There was no immediate response to a phone message left Tuesday with an attorney representing Mitchell. Prosecutors have portrayed the broad-daylight assault of the 73-year-old as an act of vengeance. It occurred on Sept. 12, about a week after she photographed Mitchell exposing himself to create "evidence of his lewd act," prosecutors said. Around 11:30 a.m., he allegedly approached her in the park and asked, "Do you remember me?" before beating and raping her, then stealing her camera bag. □

US official in Libya said he wanted more security

Continued from front

He added that Libya was "certainly not an environment where (the diplomatic) post would be directed to 'normalize' operations and reduce security resources in accordance with an artificial time table."

Nordstrom also said that diplomats in Libya were told not to request an extension of a 16-member special operations military team that left in August, according to an official of the Oversight panel. The official was not authorized to discuss the matter publicly and thus spoke only on the condition of anonymity.

The State Department has said it never received a request to extend the military team beyond August, and added that its members were replaced with a security team that had the same skills.

About the Benghazi attack Romney has said, "As the dust settles, as the murdered are buried, Americans are asking how this happened, how the threats we face have grown so much worse, and what this calls on America to do."

Criticizing the administration's handling of security, Romney said, "As the ad-

ministration has finally conceded, these attacks were the deliberate work of terrorists who use violence to impose their dark ideology on others."

Democrats on the Oversight committee were sharply critical of Issa, the chairman.

"Although Chairman Issa has claimed publicly that 'we are pursuing this on a bipartisan basis,' the committee's investigation into the attack in Benghazi has been extremely partisan," a Democratic staff memo said.

"The chairman and his staff failed to consult with Democratic members prior to issuing public letters with unverified allegations, concealed witnesses and refused to make one hearing witness available to Democratic staff, withheld documents obtained by the committee during the investigation, and effectively excluded Democratic committee members from joining a poorly-planned congressional delegation to Libya," the memo said.

The Democrats said that in the previous two years, House Republicans have voted to cut the Obama administration's requests for embassy security by some \$459 million. □

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Pool of moderates in congress rapidly shrinking

JENNIFER STEINHAUER

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WASHINGTON — While the occupant of the White House and the composition of the next Congress are still to be decided, one thing is clear: There will be many fewer moderate politicians here next year. A potent combination of congressional redistricting, retirements of fed-up lawmakers and campaign spending by special interests is pushing out moderate members of both parties, leaving a shrinking corps of consensus builders.

A group of Democrats who are centrists, known as Blue Dogs, have been all but eviscerated from the House over the last few elections, and now three who have been in the Republicans' cross hairs for years are fighting uphill battles for re-election.

Among Republicans, Sen. Olympia Snowe of Maine and Rep. Steven LaTourette of Ohio, weary of partisan battles, chose to retire this year, and some, like Rep. Charles Bass of New Hampshire, have found themselves moving away from the center to survive, a technique employed by Sen. Richard Lugar of Indiana, who found it was too little too late and lost his primary campaign.

"We don't have a Congress anymore, we have a parliament," said Rep. Jim Cooper of Tennessee, one of the last Blue Dogs. "We moderates are an endangered species, but we are

also a necessary ingredient for any problem solving." The House is more polarized than at any time in the last century, according to models built by Keith Poole, professor emeritus of po-

litical science at the University of Georgia, and Howard Rosenthal, professor emeritus of social sciences at Princeton University. The last time the Senate was this divided, according to the joint research, was a century ago.

While Americans say they want an end to partisan bickering in Washington, Cooper said, they vote to maintain the system that has created it. "It's like Hollywood movies," he said. "Most people say there is too much violence and sex, but those are the only tickets that sell."

Reps. Larry Kissell of North Carolina, John Barrow of Georgia and Jim Matheson of Utah, all Blue Dogs, appear to be losing ground in their races for re-election. Because of redistricting,

moderates means it will be even harder next year for Congress — which failed to put together even mundane measures like farm and highway legislation without a fight this session — to pass

crat, "it may strengthen the hands of the mainstream conservatives" to make deals with the 10 or so moderate Democrats in the Senate who are interested in reforming Medicare and other programs.

Further, there is an emerging push on the Democratic side toward the center among many of their Senate candidates, like Heidi Heitkamp in North Dakota, Joe Donnelly in Indiana, Tim Kaine in Virginia and Richard Carmona in Arizona, who all are running as pragmatic centrists willing to work with Republicans. For this to happen, according to moderates from both parties and several congressional experts, the next president will have to make conciliation a top priority.

"The next president has to channel Lyndon Johnson and seize the levels of power and make Congress work," said former Rep. Jane Harman, a moderate Democrat from California who resigned last year to become the director of the Woodrow Wilson Center in Washington. "Obama talked about it and tried it briefly, but would sustained effort have helped with this Congress? I think so."

The erosion of moderation in Congress started decades ago. The decennial congressional redistricting, which has been done almost exclusively by state legislatures, has continued the creation of gerrymandered districts that keep competitive elections anomalies. □



Sen. Olympia Snowe (R-Maine), who announced that she would not seek re-election, during an interview in the U.S. Capitol in Washington. A potent combination of Congressional redistricting, retirements and campaign spending by special interests is pushing out moderate Democrats and Republicans.

(Luke Sharrett/The New York Times)

their constituencies have become less familiar with them, making them easier targets for outside groups that have been spending heavily on ads to unseat them. Their poll numbers have been dropping throughout this cycle.

Many other more moderate Democrats, including Reps. Dan Boren of Oklahoma and Mike Ross of Arkansas, and Sens. Ben Nelson of Nebraska and Kent Conrad of North Dakota, chose to hand over their member pins rather than seek re-election. In theory, the dearth of mod-

bills.

But Congress is facing so many potentially calamitous tax and budget issues that another theory is brewing: a combination of Democrats, once averse to changes to social welfare programs, and senior Republicans may form some sort of new deal-making consensus through sheer necessity to avoid large tax increases and significant military cuts.

"If Republicans think by embracing the Tea Party it is a loser politically," said Sen. Charles Schumer of New York, the No. 3 Demo-

Westerners with ties to Syria move in to help rebels

J. DAVID GOODMAN
© 2012 New York Times

The night before leaving his parents' home in Wayne, Texas, to join the rebels trying to overthrow President Bashar Assad in



Obaida Hitto, a U.S. citizen in Deir Ezzor, Syria. As the war drags on, some people of Syrian descent, from the U.S. and other Western countries, have traveled to Syria to help in the fight against President Bashar al-Assad.

(Courtesy Obaida Hitto via The New York Times)

Syria, Obaida Hitto left a bouquet of white roses for his mother, with a sterling silver locket and a note: "You've made me what I am. But now I need to go and do what I need to do." Hitto, 25, a former high school football player, deferred his plans for law school to sneak into Syria to assist the rebels by making videos and spreading information on the Internet to help their cause.

"I'm one of them," Hitto said proudly during a recent telephone interview.

Since the early days of the uprising, Syrian rebel forces have filled their ranks with army defectors and civilians. But as the war has dragged on, and the government has made it much harder for soldiers to defect, two other groups have contributed to the opposition. There has been a rise in the number of foreign fighters, many of them Islamist extremists. But there has also been a small, though noticeable, number of men like Hitto, of Syrian descent and with Western passports, who have made the journey to join the Free Syrian Army. Experts estimate they number roughly a hundred

and come from the United States, Britain, France and Canada.

Their presence is not enough to shift the tide of the battle, but they add another element

civilian population has left the city," Hitto said in a Skype interview last month from Deir al-Zour. "If people only saw what was really happening to the people here they might do the

to leave his comfortable life in the United States to assist their fight. "I explained to them that this was my country, too," he said in a telephone interview from Detroit, adding that he planned to go back.

Ranya Sabbagh, 39, said she made a weeklong trip to her native Syria in August to the town of Jebel al-Zawiya in Idlib, the hometown of a friend who helped get her into the country. "It's not something I would recommend to others," she said. "I got an

hour and a half of sleep at night. I'm from Dallas, I'm not used to hearing gunshots except maybe hunting." Hitto, however, seems to stand out for his commitment. Since he left for Syria, his parents, Suzanne and Ghassan Hitto said, they have spent each day searching online for glimpses of him. "I feel like a Vietnam mom, when those first images came from the TV," Suzanne Hitto said of the short clips her son has produced with the help of local activists. □



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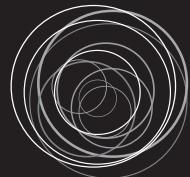
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Chavez foes face uphill battle despite gains

C. TOOTHAKER

Associated Press

CARACAS, Venezuela (AP)

— A veteran of Venezuela's long-suffering political opposition compared Sunday's presidential election to a soccer game played on a hill.

Opposition candidate Henrique Capriles defended a parking lot-sized goal on the downhill half while President Hugo Chavez's team manned a pixie goal on the uphill side, said Ramon Guillermo Aveledo.

"And the referees also kicked the ball for him," Aveledo said of the incumbent.

As Chavez prepares to begin a fourth term, Chavez has shown no signs he'll tweak the incumbent advantages that many say helped him defeat his strongest challenger ever.

Those include an enormous party structure, government aid programs and an army of civil servants.

In the face of those obstacles, the opposition faces the daunting task of protecting its hard-won unity over the next six long years of Chavez's presidency in which the president's political advantages will likely grow.

Capriles did score historic gains by winning 44 percent of the vote, in the opposition's best showing yet against Chavez in a presidential election.

"It's not a formidable defeat for the opposition, nor is it a big triumph for Chavismo," said Mariana Bacalao, a political science professor at Central University of Venezuela. "Never has the opposition been so strong."

In the days since the vote, Chavez has said he'd like to

work with his opponents to unite the country.

The president talked to Capriles by telephone, a first after any of his victories, and on Tuesday called for a "permanent dialogue process." Justice

land."

But many say the odds are so stacked that the opposition will struggle, and could fracture and fail to build on its historic gains. Despite the conciliatory words, Chavez's opponents also



Backdropped by portraits of independence hero Simón Bolívar, Venezuela's President Hugo Chavez talks during a press conference at the Miraflores palace in Caracas, Venezuela, Tuesday, Oct. 9, 2012. The 58-year-old former military officer Chavez won his fourth consecutive presidential bid Sunday and shows no signs of ballot fatigue.

(AP Photo/Rodrigo Abd)

Minister Tareck El Aissami also wrote on Twitter after the vote, "A responsible opposition is necessary for the good of the father-

fear the president will resume his political attacks, as he's done after previous peace offers.

"I'm very disappointed

because I was convinced that (Capriles) was going to win," said 44-year-old business owner Gonzalo Ramos Tuesday, looking depressed at a plaza in the upscale Altamira district. "Now I don't see much future, neither in the opposition nor the country."

At Capriles' campaign night event, supporters wept and hugged each other in consolation when the results were announced.

Government adversaries won't have much more time to mope.

They'll have to gear up for gubernatorial elections in December and convince the rank-and-file that not all has been lost. The opposition has tended to fare better in votes against Chavez's allies rather than against the president himself, so they could still hope to make gains, as they have in governorships and legislative seats since the

last presidential election in 2006.

But the election results showed that Chavez will be a tough opponent in the state elections, with the president winning a majority of votes in 21 of 23 states plus the capital district of Caracas.

Some analysts say any opposition divisions to emerge after Capriles' loss would help Chavez's allies.

So far, opposition leaders have maintained at least a public show of unity.

"Recrimination over their electoral defeat could produce fissures," said Miguel Tinker Salas, a Latin American studies professor at Pomona College in Claremont, California.

Divergences over political ideology could also fracture the opposition coalition, with some conservative parties that had lined up behind Capriles already complaining about his center-left rhetoric. □

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Official:

Gunmen snatch Zetas leader's body

E. EDUARDO CASTILLO
MICHAEL WEISSENSTEIN

Associated Press

MEXICO CITY (AP) — An army special forces deserter whose brutality and paramilitary tactics helped transform a small group of drug cartel enforcers into one of the world's most feared international criminal organizations was gunned down by Mexican marines outside a baseball stadium in a state on the border with Texas, officials said Tuesday. Hours later, a group of armed men raided the funeral home where Heriberto Lazcano's body was lying, hijacked a hearse and disappeared into the night with the corpse of the man who led the Zetas in a reign of terror over swaths of Mexico running from the U.S. border south to Guatemala, officials said. The theft of the body in the northern state of Coahuila added a bizarre and embarrass-

ing twist to the take-down of the most significant drug lord since President Felipe Calderon launched his strategy targeting cartel leadership and released a list of the 37 most wanted in 2009. Calderon noted Tuesday that 25 on that list have been killed or arrested. The body's disappearance demonstrated the unchecked control that drug gangs maintain over large parts of many Mexican states six years into a struggle that shows little sign of abating. Independent analysts said they expected Lazcano's death to throw the Zetas into disarray, setting off a violent power struggle inside the cartel as its relatively autonomous local cells decide whether to ally with other cartels or align with the Zetas' remaining boss, Miguel Angel Trevino Morales, a man considered even more ruthless and brutal than Lazcano.

The killing will also probably intensify the Zetas' war with the country's other dominant criminal organization, the Sinaloa cartel controlled by Mexico's most-wanted man, Joaquin "El Chapo" Guzman. At the center of the two cartels' struggle is Nuevo Laredo, a violence-torn city across from Laredo, Texas. More freight crosses there than anywhere else along the U.S.-Mexican border, making it one of the most valuable smuggling routes in the world. "There will be a shootout at the OK Corral over Nuevo Laredo," predicted George Grayson, an expert on the Zetas and co-author of "The Executioner's Men: Los Zetas, Rogue Soldiers, Criminal Entrepreneurs and the Shadow State They Created." Calderon stopped short of unreservedly declaring Lazcano dead, but he said evidence clearly indicated the Zetas founder had been slain. □



This photo released by Mexico's Navy on Tuesday, Oct. 9, 2012 allegedly shows the body of Zeta drug cartel leader and founder Heriberto Lazcano while in the possession of Mexico's Medical Forensic Service (SEMEFO) in Sabinas, Mexico. Mexico's Navy says fingerprints confirm that cartel leader Lazcano, an army special forces deserter whose brutal paramilitary tactics helped define the devastating six-year war among Mexico's drug gangs and authorities, was killed Sunday in a firefight with marines in the northern state of Coahuila on the border with the Texas. The body was snatched by armed men in a raid on a funeral home, officials said Tuesday.

(AP Photo/Mexico Navy)

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Iraq:

Regional instability fueling Al-Qaida comeback

LARA JAKES
QASSIM ABDUL-ZAHRA
Associated Press

BAGHDAD (AP) — Al-Qaida is rebuilding in Iraq and has set up training camps for insurgents in the nation's western deserts as the extremist group seizes on regional instability and government security failures to regain strength, officials say.

Iraq has seen a jump in al-Qaida attacks over the last 10 weeks, and officials believe most of the fighters are former prisoners who have either escaped from jail or were released by Iraqi authorities for lack of evidence after the U.S. military withdrawal last December. Many are said to be Saudi or from Sunnidominated Gulf states.

During the war and its aftermath, U.S. forces, joined by allied Sunni groups and later by Iraqi counterterrorism forces, managed to beat back al-Qaida's Iraqi branch.

But now, Iraqi and U.S. officials say, the insurgent group has more than doubled in numbers from a year ago — from about 1,000 to 2,500 fighters. And it is carrying out an average of 140 attacks each week across Iraq, up from 75 attacks each week earlier this year, according to



Blindfolded and handcuffed suspected al-Qaida members are led away to detention centers in an Iraqi army base in Hillah, about 60 miles (95 kilometers) south of Baghdad, Iraq. Al-Qaida is slowly resurging in Iraq, and has set up training camps for insurgents in the nation's western deserts as the extremist group seizes on regional instability and government security failures to regain strength, officials say.

(AP Photo/Alaa al-Marjani)

Pentagon data.

"AQI is coming back," U.S. Sen. Lindsey Graham, a Republican from South Carolina, declared in an interview last month while visiting Baghdad.

The new growth of al-Qaida in Iraq, also known as the Islamic State of Iraq, is not entirely unexpected. Last November, the top U.S. military official in Iraq, Army Gen. Lloyd Austin, predicted "turbulence" ahead for Iraq's security forces. But he doubted Iraq would return to the days of widespread fighting between Shiite militias and Sunni insurgents, including al-Qaida, that

brought the Islamic country to the brink of civil war.

While there's no sign of Iraq headed back toward sectarian warfare — mostly because Shiite militias are not retaliating to their deadly attacks — al-Qaida's revival is terrifying to ordinary Iraqis.

Generally, the militant group does not launch attacks or otherwise operate beyond Iraq's borders. For years, it has targeted Shiite pilgrims, security forces, officials in the Shiite-led government and — until it left — the U.S. military. On Tuesday, a series of bombings and drive-by shootings killed six people,

including three soldiers and a judge, in Baghdad and the former al-Qaida strongholds of Mosul and Tal Afar in northern Iraq.

Each round of bombings and shootings the terror group unleashes across the country, sometimes killing dozens on a single day, fuels simmering public resentment toward the government, which has been unable to curb the violence. And the rise of Sunni extremists who aim to overthrow a Shiite-linked government in neighboring Syria has brought a new level of anxiety to Iraqis who fear the same thing could happen in Baghdad. □

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Georgian leader Ivanishvili emerges as an enigma

ELLEN BARRY

© 2012 New York Times

TBILISI, Georgia — More than 20 years since the dissolution of the Soviet Union, the West has become familiar with a wide variety of leaders to emerge in this space — Soviet apparatchiks, fierce nationalists, KGB-trained strongmen — but Bidzina Ivanishvili, nominated Monday as Georgia's next prime minister, does not resemble any of them, not even remotely.

A year ago, when Ivanishvili, a reclusive oligarch, vowed to topple President Mikhail Saakashvili, barely anyone knew what he

looked like. The country's richest man, Ivanishvili lived in a sealed environment of his own making, raising zebras, practicing yoga and amassing a \$1.3 billion art collection from his fortified compounds, including one in the mountain village where he was born.

Western leaders had a year to get used to Ivanishvili, 56, as an opposition figure. But his first hours as a national leader set off alarm bells: Moments after Saakashvili had conceded defeat in parliamentary elections, Ivanishvili gave an acrimonious news conference in which he rec-

ommended that the president resign immediately, a year before his term ends. A day later Ivanishvili retracted his comment, suggesting that he had not been

for International Peace in Washington. "He is a page with a lot of blank spaces, and he is prepared for a lot of people to write in policies in the blanks. It's unde-

ment, Ivanishvili appears soft-spoken and curiously unsophisticated. His first interviews with Western reporters yielded little sense of how he would govern,



Bidzina Ivanishvili, a billionaire philanthropist whose bloc won parliamentary elections, at his business center in Tbilisi, Georgia. Ivanishvili, set to become Georgia's next prime minister, has such a scant track record in public life that it is difficult to know how he will perform.

(Justyna Mielnikiewicz/The New York Times)

aware that it would set off a panic in Western capitals. This political transition is no casual matter.

The United States has sunk extraordinary resources into this small country, a pro-Western bastion on Russia's southern border and a transit point for energy and military goods.

Ivanishvili has such a scant track record in public life that it is difficult to know how he will handle decisions in the coming months, as Russia seeks to draw Georgia closer, and as his followers call for punishing departing officials.

"My main feeling is that he's a bit of a blank page, politically speaking," said Thomas de Waal, an expert on the Caucasus at the Carnegie Endowment

served luck on the part of the U.S."

Ivanishvili moved to Moscow in 1982 and returned to Georgia two decades later with a fortune made in the metals and banking industries that Forbes now estimates at \$6.4 billion.

His success in Russia prompted rumors that his candidacy was being quietly backed by the Kremlin, and though no proof of this has emerged,

much about his past is mysterious. Georgians came to know him gradually through his lavish, anonymous gifts: He paid for Tbilisi's gold-domed cathedral, bought boots for the army and drenched his own village with free benefits.

Though he earned his money in a cutthroat environ-

beyond removing Saakashvili, a former ally. A devotee of psychoanalysis, Ivanishvili would reflect on the struggle between the president's conscious and unconscious minds, or say that Saakashvili "is not managing his character well" and "doesn't understand what love is."

Ivanishvili's first high-level government contacts were rocky, despite the efforts of prominent Washington lobbyists. When Secretary of State Hillary Rodham Clinton visited Georgia in June, he refused to meet her unless the meeting was one on one — treatment reserved for high-ranking officials — rather than alongside other opposition leaders whom he considered illegitimate. □

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2 Aaron Belucci/Shane Baaij

3 Mark-/Sebastian Perez

Fun:

1 Jorge Hernandes/Andres Cordiro

2 Javier Deyan/Juan Quevececulo

3 Dylan Ros/Jan Belucci

Alno/Euro Kitchen beach tennis event:

Singles:

Intermediate women:

1 Sanne Michielse 2 Marike Selen

Intermediate men:

1 Johan Spaans 2 Courtney Hart

Advanced women:

1 Virginia Melendez 2 Bet-



za Rasmijn

Advanced men:

1 Ricardo Pagliuca 2 Ramon Guedez

Doubles:

Fun men:

1 Orlando Weever/Robert Vos

2 Elvis Carrasquel/Marco Arends

Intermediate men:

1 Joey Arends/Rodney Tromp

2 Ad Stuurman/Menno Conijn

Advanced men:

1 Alex Lovera/Dennis Martinez

2 Jerry Staring/Marc Kiezebrink

Open men:

1 Ramon Guedez/Alejandro Quijada

2 Michel de Jong/Gijs de Rooij

Intermediate women:

1 Nicoline Mol/Doreth Derkx

2 Lise Heeneman/Ellen Wels

Advanced women:

1 Yvette Tromp/Denise

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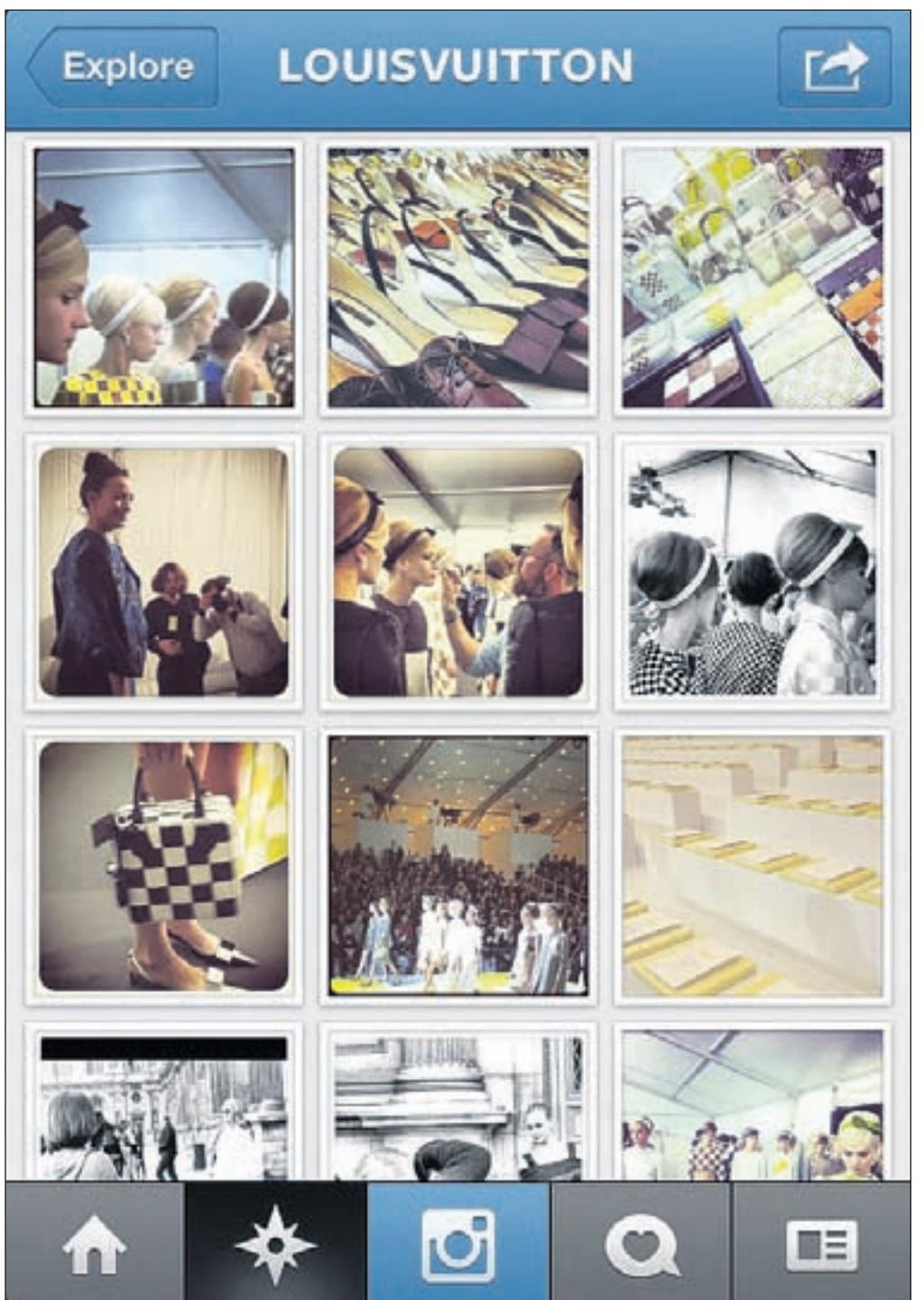
2 Tina Bislick/Ka Man Hui

Open women:

1 Maria Buuts/Andrea Perreira

2 Virginia Melendez/Yami Romay

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**Louis Vuitton's latest social media addition:
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Louis Vuitton has innovated throughout the cyber trends revolution, presenting different applications for the iPad and iPod, livestreaming of fashion shows, a digital newsletter, a successful Facebook page and most recently @louisvuitton on Instagram. Fans worldwide received Louis Vuitton's Facebook page with overwhelming enthusiasm, propelling "likes" to and over 10 million last week, on October 4, just one day after the fashion show presenting a mesmerizing Spring-Summer 2013 collection at the closing of Paris Fashion Week. The fashion show, which took place at Cour Carrée du Louvre was presented as usual via livestreaming to the world on October 3 via the Louis Vuitton website and Facebook page and is available for viewing via video replay at www.louisvuitton.com.

A few days before the fashion show, the luxury brand owned by LVMH launched @louisvuitton on the photosharing platform Instagram, where Louis Vuitton gives sneak peeks of the newest collections, as well as an impression of what



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friend Maartje she is enjoying her life at the Donkey Sanctuary. This beautiful donkey has been provided with a chip, just like all the other donkeys. On the chip is information about the donkey and its medical history. The donkeys at the sanctuary have a lot of friends with whom they can play all day long. And they love living there: they are well-cared for, they are fed and watered and when they are sick the vet is called. Yes, they are expensive customers for the sanctuary. The volunteers are trying to cover the various costs with all kinds of activities and the sale of great donkey memorabilia in the shop. Fortunately, there are also visitors who wish to adopt a donkey, who buy something at the donkey shop or who make a donation. Thus they help support us. Everyone is wel-

come to visit the sanctuary, which has opening hours from 9 am until 4 pm and in the weekend from 10 am until 3. Entry is free of charge and one can enjoy a soft drink, a cup of coffee or a refreshing ice cream. The volunteers of the sanctuary are hoping that somebody will adopt this friendly, lovely donkey.

Of course the donkey will keep on living at the sanctuary; you only need to pay AWG. 30,- per month for the donkey's keep. With this amount you help support the sanctuary as well as your own donkey. And you will receive a beautiful certificate and a super T-shirt and your name and photo will be posted on our

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The GoaCenter mission is to give people the opportunity to live healthier and happier lives through professional, informal, modern methods of therapy.

The center provides everything from nutrition and weight management, therapy, readings and healings, meditations, to all kinds of awareness activities for both adults and kids. Our two therapists are specialized in various fields. One of them is both a nutritionist and therapist. She can help you with losing weight by using a protein diet or by making a perso-



nal nutrition plan. She also specializes in people with

certain illnesses who need specific diets.

The other therapist is also a master in meditation and a

spiritual coach. He likes to work with people who are not happy with their lives and want to take action but don't know how. He also supports companies in various fields.

He can help employees understand where stress is coming from and how to deal with this, and he supports Human Resources in many ways.

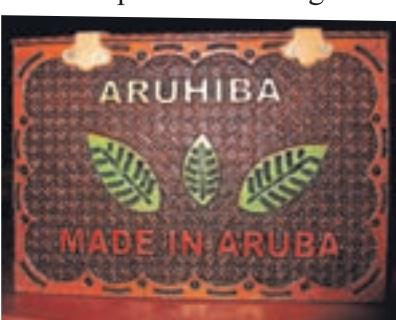
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ORANJESTAD- Benjamin Petrocchi, a true native Aruban started the newest export product of Aruba, locally produced hand rolled cigars called "Aruhiba". These cigars are produced and cultivated in Aruba. Petrocchi always had a interest in the cigar business and has also sold Premium Cuban Cigars, and now he is growing his own tobacco crops. After many attempts and trips to Santo Domingo and Cuba, he started his own production and cultivation of Aruhiba Cigars in Aruba. The whole process took him 10 years to perfect. Petrocchi dedication to the cigars is important for the moulding and process of making a perfect cigar which takes a long time. Their handmade cigar box is specially designed with their "Aruhiba" logo. Petrocchi considers Aruhiba as a promotion for Aruba through its fine cigars. The company sells Aruhiba to the international markets as well. Visit their retail store located in front of the Historic Dutch Windmill in front of the Westin Resort, with any purchase of \$20 and up you receive a free "Aruhiba" cigar or ask for their gift box of 5 cigars get 1 FREE for only \$37. They open from Monday to Saturday from 9 am till 6:30 pm and on Sundays from 9 am to 1 pm. Aruhiba cigars are now available at the gift stores in your resort and at well-known cigar stores. For their complete selection and attractive by the box prices visit their retail store. Tours are also available at their Tobacco farm where their cigars are grown and rolled.



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SPORTS

Aruba TODAY

WNBA Roundup



Fever even series with Sun 1-1

Indiana Fever's Erlana Larkins, left, grabs a rebound from Connecticut Sun's Mistie Mims during the second half of Game 2 of the WNBA basketball Eastern Conference Finals, Monday, Oct. 8, 2012, in Indianapolis.

Associated Press

INDIANAPOLIS (AP) — Shavonte Zellous' jump shot with 0.5 seconds remaining lifted the Indiana Fever over the Connecticut Sun 78-76 in Game 2 of the WNBA Eastern Conference Finals on Monday night to level the series.

The two teams will play the decisive third game on Thursday in Connecticut. The Sun's Allison Hightower leveled the game on a baseline runner with 12.5 seconds left. She was fouled on the play, but missed the free throw.

Tamika Catchings rebounded the miss and threw an outlet pass to Briann January who missed a layup. Zellous picked up the rebound and hit the game-winner from 13 feet. Katie Douglas scored 24 points and Catchings had 21 points to lead the Fever. Kara Lawson scored 18 points to lead the Sun.

The winner on Thursday will face Minnesota in the WNBA finals. □

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McIlroy, Woods lose opening matches in Turkey

BERNIE McGUIRE

Associated Press

BELEK, Turkey (AP) —

The eagerly anticipated matchup between Rory McIlroy and Tiger Woods may not count for much after both lost their opening matches Tuesday at the eight-player World Golf Finals.

McIlroy lost to Matt Kuchar by six shots and Woods fell to Charl Schwartzel by one shot in the \$5.2 million event at the Sultan course in Antalya.

In the other group of the medal match-play format, Lee Westwood beat Webb Simpson by one shot and Justin Rose defeated Hunter Mahan by four strokes.

McIlroy and Woods — ranked No. 1 and No. 2 in the world — face each other Wednesday in the last of their three group matches, but both could already be eliminated by then. The top two in each group will advance to the semifinals.

The winner of the event, sponsored by Turkish Airways, will receive \$1.5 million.

In Wednesday's morning matches, McIlroy will face Schwartzel and Woods will play Kuchar.

"I need to win both of my matches tomorrow if I am to advance," McIlroy said. "I just struggled for a bit of motivation out there so I need to go out and concentrate on both of my matches tomorrow."

McIlroy unraveled against Kuchar with a triple bogey



Europe's Rory McIlroy chips up to the first green during a singles match at the Ryder Cup PGA golf tournament Sunday, Sept. 30, 2012, at the Medinah Country Club in Medinah, Ill.

Associated Press

at the 15th hole and double bogeys at 16 and 17.

"I hit a drive into the trees

on 15 and lost a bit of confidence," McIlroy said.

Kuchar, after taking a bo-

gey at the first, birdied the next two holes and was never behind.

"I just thought I had to play mistake-free and hopefully Rory wouldn't get too hot," the American said.

"There we are all-square with four to go, he hits it right and makes triple bogey, and I go three up with three to go and I think both of us lost a little interest at that point."

Woods and Schwartzel were all-square going to the 18th, where the American went into a greenside bunker and finished with a bogey.

"It came right down to the wire but I can't believe how far that second shot flew into the back bunker and that was the match," Woods said.

"It means now that I have to play 'Kooch' and try and win that match before facing Rory in the afternoon."

The event allows players to wear shorts, and four — Westwood, Schwartzel, Mahan and Kuchar — chose to do so. All but Mahan won their matches.

Westwood wore a red shirt and white shorts in tribute to his favorite football club, Nottingham Forest.

"They are footballer's legs," Westwood said. "I could still play for Forest with these legs."

Kuchar said he was happy to wear shorts again after spending the week after the Ryder Cup with his family in Greece.

"Being able to come to an event like this that is a little more relaxed is just great to be able to throw shorts on," he said. □

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Foster runs for 152 yards as Texans top Jets 23-17

DENNIS WASZAK Jr.

AP Sports Writer

EAST RUTHERFORD, New Jersey (AP) —

Arian Foster ran for 152 yards and a touchdown as the Houston Texans stayed unbeaten by defeating the New York Jets for the first time in team history, hanging on for a 23-17 victory Monday.

With a chance to lead the Jets on a winning drive, Mark Sanchez was intercepted by Kareem Jackson on a pass that tipped off the hands of Jeff Cumberland with 1:51 remaining.

"You got to give yourself a chance to win and we did that tonight," Sanchez said. The Texans (5-0) joined the Atlanta Falcons as the NFL's only teams without a loss.

The Jets (2-3) were heavy underdogs after coming off a 34-0 loss to San Francisco last week, but made a game of it. Backup quarterback Tim Tebow got the crowd fired up at times throughout the game, including running for a first down on a fake punt, but had little impact otherwise. Houston also overcame a 100-yard kickoff return by Joe McKnight that cut the



Houston Texans running back Arian Foster (23) rushes for a touchdown as New York Jets strong safety Yeremiah Bell (37) falls down on the play during the first half of an NFL football game, Monday, Oct. 8, 2012, in East Rutherford, N.J.

Jets' deficit to 20-14.

Schaub was 14 of 28 for 209 yards and a touchdown to Owen Daniels, winning his ninth straight game — the longest active streak in the NFL — dating to last season. Daniels finished with four catches for 79 yards for the Texans, who have just their second five-game winning streak in team history.

"It's definitely our best start," Daniels said, "and a big part of that is it doesn't matter on this team about stats or individually what is going on. It's great to be a part of something like that." The enthusiasm was tempered by a left knee injury to star linebacker Brian Cushing that coach Gary Kubiak said he was "very

concerned" about.

Nick Folk's 21-yard field goal with 11:55 left made it 23-17, but the Jets appeared as though they would get more. Sanchez hit Cumberland for 24 yards on first down, and then Jeremy Kerley for 36 yards two plays later. Then, Tebow came in and took the direct snap — with

Associated Press

Sanchez lined up as a wide receiver — and rumbled up the middle for 13 yards to make it first-and-goal from the 3. The crowd at MetLife Stadium went wild, sensing a chance at Tebow's first touchdown since being acquired by New York in March.

Tebow stayed in but was stopped for no gain. Then, Sanchez — who has been under fire with many calling for Tebow to take his starting job — had a pass tipped by J.J. Watt and it was incomplete to Schilens in the end zone on third down.

Foster walked untouched into the end zone for a 13-yard touchdown to give the Texans a 14-7 lead with 11:11 left in the first half. He gained 42 yards on three straight carries on the 67-yard drive, and had 100 yards on the ground at halftime on just nine carries. The Jets threatened late in the half, but Sanchez's pass was tipped by end J.J. Watt and went off Kerley to Brice McCain, who ran back the interception 86 yards before Kerley caught him at the New York 9 yard line. □

Hasek gives up hope of returning to NHL

PRAGUE (AP) — Veteran goaltender Dominik Hasek appears to be done with ice hockey after giving up hope of returning to the NHL once again.

The 47-year-old goalie resumed training ahead of this season hoping to get picked up by an NHL club, but told Czech daily Sport on Tuesday that it is "very unlikely" he would play again after no team offered him a contract amid the current lockout.

Known as the "Dominator," he was

twice named the NHL's most valuable player, and took home the Vezina Trophy six times.

Hasek announced his retirement in 2002 after winning his first Stanley Cup with the Detroit Red Wings, but came back and then retired from the NHL again in 2008.

At 45, however, he led his hometown club Pardubice to the Czech league title and then played a season for Spartak Moscow in the KHL. □



This Sept. 16, 2004 file photo shows an Ottawa Senators employee walking into the player's empty dressing room with goaltender Dominik Hasek's equipment sitting on the bench, in Ottawa, on the first day of a lockout.

Associated Press

NFL Commissioner Goodell re-issues bounty discipline

BRETT MARTEL

AP Sports Writer

NEW ORLEANS (AP) —

NFL Commissioner Roger Goodell upheld the suspensions of Jonathan Vilma and Will Smith on Tuesday for their role in the New Orleans Saints bounty scandal and reduced penalties for Scott Fujita and Anthony Hargrove.

Vilma will sit out the entire season and Smith's punishment stands at four games. Hargrove, a free agent defensive lineman, will face a two-game suspension once he signs with a team. He originally was hit with eight games, but that was reduced to seven with five games already served. Fujita, who plays for Cleveland, will now miss only one game instead of three.

The players were implicated in what the NFL said was a bounty pool run by former defensive coordinator Gregg Williams and paid improper cash bonuses for hits that injured opponents. The players have acknowledged a pool but denied they intended to injure anyone.

Only Smith and Fujita have played this season because an appeal panel created by the NFL's labor agreement vacated the origi-



In this Sept. 5, 2012, file photo, Commissioner Roger Goodell gestures to fans before an NFL football game between the New York Giants and the Dallas Cowboys in East Rutherford, N.J.

Associated Press

nal suspensions on technical grounds and informed Goodell that he needed to clarify the reasons for the punishment.

Vilma has been recovering from offseason knee surgery and hopes to return in two weeks when the Saints play at Tampa Bay. The players can further delay their suspensions by appealing again through their labor contract. They could also ask a federal judge in New Orleans to revisit their earlier request for an injunction blocking the suspensions.

"The quality, specificity and scope of the evidence supporting the findings of conduct detrimental are far greater and more extensive than ordinarily available in

such cases," Goodell said in a memorandum to the 32 clubs.

"In my recent meetings with the players and their counsel, the players addressed the allegations and had an opportunity to tell their side of the story," Goodell wrote. "In those meetings, the players confirmed many of the key facts disclosed in our investigation, most particularly that the program offered cash rewards for 'cart-offs,' that players were encouraged to 'crank up the John Deere tractor' and have their opponents carted off the field, and that rewards were offered and paid for plays that resulted in opposing players having to leave the field of play." □



Dallas Mavericks' Darren Collison, right, drives for the ball against FC Barcelona's C.J. Wallace, left, during an exhibition basketball game in Barcelona, Spain, Tuesday, Oct. 9, 2012.

Associated Press

Nowitzki sits out Mavs' 99-85 loss

JOSEPH WILSON

The Associated Press

BARCELONA, Spain (AP) —

A swollen right knee kept Dirk Nowitzki out of the Dallas Mavericks' 99-85 loss at FC Barcelona Regal on Tuesday, with Pete Mickeal and Juan Carlos Navarro each scoring 19 points for the 17-time Spanish champions.

After only leading by two points at halftime, Barcelona outscored the Mavericks 32-16 in the third quarter to open up an 18-point gap. Center Chris Kaman led the Mavericks with 15 points. Darren Collison was next with 14, and Elton Brand had 10.

Nowitzki was expected to play but was ruled out just before tip-off.

"Last year I dealt with (swelling in the knee)," Nowitzki said. "We did treatment twice and the swelling didn't come back. Hopefully it will respond next week and I can play through the year."

"It's unfortunate, I would have loved to play. But the preseason is not the time to force a swollen knee."

Two-time Euroleague champion Barcelona outrebounded the Mavericks 52-40, while Navarro hit five 3-pointers, two more than the entire Mavericks team.

□

Isner advances to third round at Shanghai Masters

SANDRA HARWITT

For The Associated Press

SHANGHAI (AP) — Seventh-seeded Juan Monaco was upset by fellow Spaniard Fernando Verdasco 6-4, 6-2 Tuesday in the second round of the Shanghai Masters. The 23rd-ranked Verdasco broke his opponent three times and held serve throughout the match.

"I think I played a great match from the beginning until the end," Verdasco said. "I knew how I was supposed to play to beat

him and I think I did it pretty well."

Earlier, eighth-seeded American John Isner saved three match points in the third-set tiebreaker before outlasting Kevin Anderson of South Africa 7-6 (3), 6-7 (8), 7-6 (7). In a match where neither player dropped his serve, Isner hit 24 aces while Anderson had 21.

"The quality was good as far as serving goes," said Isner, who wasted a match point in the second-set tiebreaker. "But other than

that I think we maybe both could have played better a little bit. I guess it was exciting from a fan standpoint. Anytime a match comes down to a third-set tiebreaker, it's going to be exciting." Kei Nishikori, who is coming off a win at home at the Tokyo Open last week, had little trouble securing a 6-2, 6-4 first-round win over wild-card entry Wu Di of China.

"Obviously, it's not easy thing to play after winning the tournament," said the 15th-ranked Nishikori. □



John Isner of the United States returns a shot to Kelvin Anderson of South Africa during the first round men's singles match of the Shanghai Masters tennis tournament at Qizhong Forest Sports City Tennis Center in Shanghai, China, Tuesday, Oct. 9, 2012.

Associated Press

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Orioles show resiliency in 3-2 win over Yankees

By DAVID GINSBURG

AP Sports Writer

BALTIMORE (AP) -- The New York Yankees now must grudgingly acknowledge that these aren't the same Baltimore Orioles they used to knock around with merciless ease.

Rookie Wei-Yin Chen out-pitched 40-year-old Andy Pettitte, and the resilient Orioles beat the Yankees 3-2 Monday night to even their best-of-five AL playoff series at a game apiece. Game 3 will be held Wednesday at Yankee Stadium.

Baltimore fell apart in the ninth inning of the opener Sunday, allowing five runs in a 7-2 defeat. Instead of wilting under the pressure of having to come from behind against the mighty Yankees on Monday, the Orioles stood strong.

"I think that's been big for us all year, the fact that we've been able to put our losses and obviously our low points behind us, really learn from them and bounce back," said right fielder Chris Davis, who had two RBIs.

Before this year, the Orioles endured 14 straight losing seasons and were 79-140 against the Yankees over that span. But during this wildly successful comeback season, Baltimore has thus far split 20 games with New York.

"They have a good team," Yankees captain Derek Jeter conceded.

"It seemed like Baltimore and us have kind of gone back and forth all year and that's what we did here," Yankees manager Joe Girardi said.

Baltimore's turnaround from

Game 1 was typified by the performance of closer Jim Johnson, who yielded all five of those ninth-inning runs on Sunday before finishing Monday's game with a 1-2-3 ninth.

"(Sunday) night was just a hiccup," Baltimore first baseman Mark Reynolds said. "He obviously showed what he was capable of tonight."

Afterward, Orioles owner Peter Angelos made a rare appearance, shaking hands with virtually every player he came across in the clubhouse.

"It's always good to see the man that signs your check," center fielder Adam Jones said. "I think it means a lot to him and it obviously means a lot to the players to see the owner appreciates you going out there and busting your tail for him, for the organization and for the city."

The Yankees, by virtue of finishing two games ahead of the Orioles in the AL East, have home-field advantage and will host the remainder of the games in the series. But Baltimore won all three series at Yankee Stadium and won't be intimidated by playing there for the right to advance to the AL championship series.

"I think the biggest thing for us is we feel comfortable playing in New York," Davis said.

Hiroki Kuroda will start for New York against rookie Miguel Gonzalez, who was 2-0 with a 2.63 ERA in two starts in the Bronx this season, striking out 17 and walking only one in 13 2-3 innings.

In Game 2, the Orioles



New York Yankees' Ichiro Suzuki, right, of Japan, leaps past Baltimore Orioles catcher Matt Wieters to score a run on a double by Robinson Cano in the first inning of Game 2 of the American League division baseball series on Monday, Oct. 8, 2012, in Baltimore.

Associated Press

used the same formula that got them into the postseason: a magnificent bullpen and an ability to win tight games. Baltimore was 29-9 in one-run decisions during the regular season and 74-0 when leading after seven innings.

"I think having our bullpen

having been as consistent as it has been gives us that confidence in these one-run games," Reynolds said. "Overall, we had the confidence today. Going into the ninth inning with a lead, we knew we were going to win."

Chen gave up two runs,

one earned, and eight hits over 6 1-3 innings. The Taiwan native, who pitched previously in Japan, was 1-2 with a 5.25 ERA in four outings against New York this season, including two in September in which he yielded a total of 11 runs over 11 1-3 innings. □

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Health and Beauty from an ancient fruit



By: Dr. Carlos Viana

When you write a book, you have to send it to the Library of Congress for them to give you the official "Subject Headings". After reviewing my latest book, the Library announced that besides, the subject healings of Holistic Medicine, Alternative Medicine and Self-help techniques, they were assigning a brand-new heading- "Inflammation—Alternative treatment." The Library stated that they recognized in the future that the subject 'inflammation' was going to be a major topic in the future of today's health. My book describes and offers natural solutions for lowering inflammation as well as other health problems including inner and outer signs of premature aging.

Whether due to exercise, an accident, or infection, the body responds with inflammation. Affected parts of the body can be painful, hot, red and swollen because blood vessels in that area enlarge to bring in extra white blood cells. White blood cells are part of our body's defense or immune system and eat bad bacteria and other foreign particles.

Bacteria, virus, pollen, mold, pesticides, toxic heavy metals, the wrong foods for your metabolic type, processed foods, and lack of water can also cause the immune system to respond with inflammation. After a healthy immune system cleans the problem, the swelling is supposed to go down as the body returns to health. However, if any of the causes of inflammation continue to bombard the body for a long time, the swelling becomes chronic and grows throughout the body. Chronic inflammation has been linked to every type of degenerative condition like diabetes and cancer. A person with blood test results showing ongoing inflammation may be at high risk for a heart attack or stroke. As for looking good, inflammation also contributes to premature aging.

In my medical protocol, Biocompatible Medicine, which I describe in my book, Prescriptions from Paradise, Introduction to Biocompatible Medicine, the 1st Step to good health is to "ID" (Identify & Detoxify) the problem. I "Identify" the problem by evaluating my patients not only with standard medical tests, but also cutting edge scientific analysis as well as Traditional Chinese Medicine techniques, like checking the eyes, skin, tongue and pulse for energy imbalances. The second part of "I-D" is "Detoxify." When recommending ways to detoxify poisons or stress from the body, we eliminate the source of those poisons as much as possible, then use the most naturally compatible, non-toxic ways to lower inflammation. Natural therapies such as acupuncture, colon hydro-therapy, soak-

ing in the ocean, lifestyle and dietary changes are some of the options.

Step 2, of my "3 Step's to Health" is to "Give the body the right stuff", this can include, acupuncture; which can not only detox, but also promote sleep, relieve pain and energize the body depending on the treatment, counseling or education, exercise, and a healthy diet which includes dietary supplements. One well known supplement that has been found to dramatically reduce inflammation and that most people are deficient in today is antioxidant, Omega-3. Supplementing with Flax oil or Omega fish oils is more important than ever. Lecithin is good oil I consider basic especially for protecting the brain. But not all Omega oil supplements are created equally. Make sure you use only high quality fish oils certified to be free of toxins like Mercury. If you live in hot climates, like the Caribbean, store your oils in the refrigerator and out of the light. Another, less known antioxidant which I was introduced to during my Traditional Chinese Medicine (TCM) herbology class in China was the extract of the lychee fruit. The lychee tree or "Litchi" is native to southern China, Taiwan and Southeast Asia. Symbol of romance, love and beauty in ancient China and throughout Asia, the lychee fruit has provided an extract that has been shown in clinical studies to lower inflammation and rejuvenate the skin. We now know the famous beauties of Ancient China ate an abundance of fresh lychee fruit.

Lychee fruit contains vitamin C, phosphorus, and potassium, and a potent antioxi-

dant that has proven beneficial for a number of health conditions. This antioxidant is a polyphenol. Polyphenols are found in foods, like honey, beans, blackberries, blueberries, pomegranate, cherries, cranberries, grapes, pears, raspberries, strawberries, broccoli, cabbage, celery, onion and parsley. My favorite source is red wine, chocolate, white tea, green tea, olive oil, and bee pollen. The most studied polyphenol compound from lychee fruit is called Oligonol. Clinical studies with Oligonol have demonstrated benefits for skin health by improving blood flow protecting it from damage caused by UV light and free radicals. Especially important for those of us who live in sunny climates, but even cloudy skies can produce damaging UV rays. Research has shown that supplementation with Oligonol reduces wrinkles, especially those around the eyes, freckles and skin spots caused by overexposure to sun light.

Studies have also shown that Oligonol helps improve blood flow to the fingers and toes helping with chronic cold feet and hands. Other studies have revealed improved cardiovascular function, where the arteries, that circulate your blood, have been improved.

If you worry about weight, the fat we don't see around our organs is more dangerous to your health than the fat we see under our skin. In hospital studies, volunteers that had pre-diabetes were supplemented with Oligonol and showed significant decreases in the normal skin fat and the more dangerous fat around the organs. The beauty benefit? There was also a significant reduction

of waist size. Get The Point! Oligonol has been successfully used as a beauty secret in ancient Asia for centuries. The Japanese have offered high quality supplements, cosmetics and foods made with Lychee fruit for years. Now this ancient Health and Beauty Secret is showing benefits in the west. Let us ID your causes of inflammation and premature aging so we can prepare a personal plan for your detoxification then "Give your body the Right Stuff" including the right food, sound sleep, exercise and dietary supplements for Health and Beauty. Step 3 of my "3 Step Plan to Health"? Balance, it's in the book or you can call us for a consultation.

CARLOS VIANA, Ph. D. is an Oriental Medical Doctor (O.M.D.) having studied in China; a US Board Cert. Clinical Nutritionist (C.C.N.), an Addiction Professional (C.Ad.), Chairperson of the Latin American Committee of the International Academy of Oral Medicine and Toxicology (IAOMT), a Rejuvenating Cell Therapist specializing in Age Management, has a weekly radio program, writes and lectures extensively. For information: VIANA HEALING CENTER, Kibaima 7, St Cruz TEL: 585-1270 Web Site: www.vianaheal.com

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U.S. report highlights unease about Chinese firms

JOE McDONALD
AP Business Writer

BEIJING (AP)—Eager to expand in the United States, China's biggest technology companies face an America anxious about threats to jobs and national security.

The latest blow: A U.S. report that says telecom equipment makers Huawei Technologies Inc. and ZTE Corp. are potential security threats that Americans should avoid doing business with.

The report, coming amid an American presidential race in which trade tensions with Beijing are a prominent issue, highlights conflicting U.S. sentiments toward China, an important trading partner but a potential strategic rival. U.S. companies see China as both a crucial growth market and a source of competition and industrial spying.

"A lot of people in America are worried about a diminishing role in the world and China being the prime beneficiary and potentially one day moving into that top slot," said Charles Maynard, senior managing director of Business Development Asia, which advises companies on acquisitions. Legislators are "playing to a lot of voters at home who are very concerned about that issue," he said.

The report Monday by the House Intelligence Committee said U.S. companies should avoid doing business with Huawei and ZTE and recommended regulators block them from buying U.S. companies. It said government computer

systems should not include components from them because they might pose an espionage risk.

China's government rejected the report as false and an effort to block Chinese companies from the U.S. market.

"The Chinese side expresses its serious concerns and strong opposition," Commerce Ministry spokesman Shen Danyang said in a statement Tuesday. He called on the United States to "abandon the practice of discrimination against Chinese companies."

The report has no official force but could discourage American telephone carriers from dealing with Huawei and ZTE, especially when it comes to the big-ticket network technology the Chinese companies are eager to sell.

Huawei and ZTE, both based in Shenzhen in southern China, near Hong Kong, rejected the accusation and complained the committee failed to provide evidence to back it up. The report "employs many rumors and speculations to prove non-existent accusations," said a Huawei spokesman, Scott Sykes, in an e-mail.

"We have to suspect that the only purpose of such a report is to impede competition and obstruct Chinese ICT companies from entering the US market," Sykes said.

ZTE said the investigation should be extended to Western suppliers because their equipment is manufactured in or uses components from China.

The United States and other governments welcome the

small but growing flow of Chinese investment. Most deals abroad go through with little trouble. But companies from China's government-dominated economy carry unusual political baggage that has stymied transactions in sensitive areas such as energy and telecommunications.

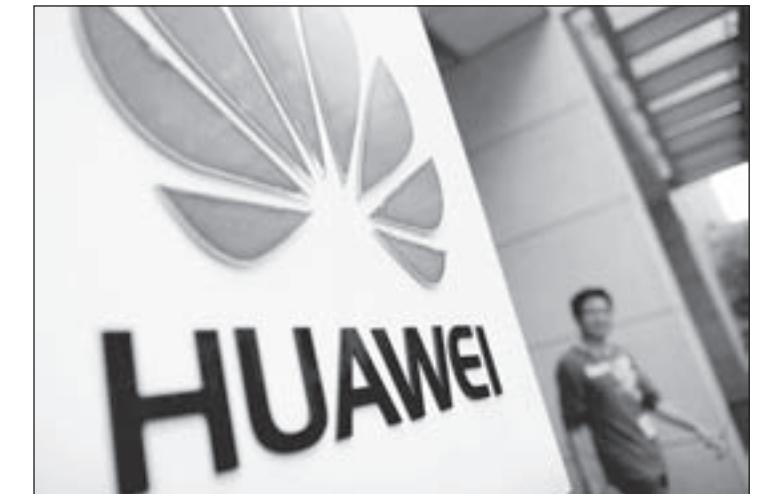
Last year, Huawei was forced to rescind its purchase of a small California computer company, 3Leaf Systems, after a U.S. government security panel rejected the deal.

Huawei, founded in 1987 by a former Chinese military engineer, has grown into the world's biggest supplier of network gear, competing with Nokia Siemens Networks and Sweden's Ericsson AB.

"They are the first Chinese company to present a viable, sustainable competitive threat to what has long been perceived as America's core competitive advantage, which is innovation and high technology," said David Wolf, a technology marketing consultant in Beijing. "No matter what firm stepped into that, it would be caught in the barbed wire."

Huawei, with 140,000 employees, says it made two-thirds of its 204 billion yuan (\$32 billion) in sales last year outside China. The smaller state-owned ZTE says it made just over half its revenues abroad. Huawei says it is employee-owned and has denied suggestions it is controlled by the ruling Communist Party or is a front for the military.

Both companies are well-established suppliers to



In this Monday, Oct. 8, 2012 photo, a man walks near a logo at a R&D center of Huawei Technologies Inc. in Wuhan, in central China's Hubei province. Eager to expand in the United States, China's biggest technology companies face American anxiety about security and rising Chinese competition.

Associated Press

other developing countries and want to expand in lucrative U.S. and European markets. Huawei sells smartphones in the United States under its own brand. Other governments also have questioned Huawei's suitability. Australia's government disclosed in March that Huawei was banned from bidding to help build a nationwide high-speed Internet network due to concern about cyber-attacks traced to China. Huawei has been hurt by its reluctance to release details of who controls the company. Such secrecy is common among major Chinese companies but unusual in Western markets. In contrast to American CEOs who are expected to act as their companies' public face, Huawei founder Ren Zhengfei never talks to reporters and rarely appears in public. Huawei has tried to ease U.S. concerns by hiring American executives and

spokespeople. It has taken reporters on tours of its sprawling, leafy campus in Shenzhen. In the congressional investigation, it handed over information about members of its board of directors and names of employee shareholders.

In Britain, Huawei has set up a testing center where government technicians can examine its equipment.

"They are going to have to move more quickly," said Wolf. "They need to put their most senior executives in front of the American public."

In other industries, Chinese executives are reluctant to pursue deals in the United States if they think they might be subjected to the unfamiliar and uncomfortable scrutiny of a government security review, Maynard said. He said those might apply even to such acquisitions as an auto parts producer that makes a small portion of its sales to the U.S. military. □

Stocks slide as investors wait for earnings

NEW YORK (AP) — Stocks slumped Tuesday on Wall Street after the International Monetary Fund predicted weaker world economic growth and as investors waited for what they expected to be lower corporate earnings.

The Dow Jones industrial average declined 110.12 points, or 0.8 percent, to 13,473.53. The Standard & Poor's 500 index dropped 14.40 points, a hair under 1 percent, to 1,441.48.

The Nasdaq composite index lost 47.33 points, or 1.5 percent, to 3,065.02.

The slide came on the five-year anniversary of record high closes for the Dow and S&P 500.

The Dow is about 700 points off its all-time high, 14,164.53. It would take a 5 percent rally from here to reach the record.

Investors were discouraged by an International Monetary Fund report released overnight that said the global economy was weakening and the downturn afflicting developing nations has begun to spread.

The weak forecast came one day after the World

Bank cut its estimate for growth in China, the world's second-largest economy, and for developing countries across Asia.

The IMF forecasts that the

per share in the most recent quarter after accounting for special charges. Wall Street was expecting break-even. Alcoa stock ended the regular trading day up a penny

cline in almost three years. Talley Leger, investment strategist at Macro Vision Research, noted that the IMF report came while Greek protests erupted again in Athens over budget-cutting measures and after a downgrade of Cyprus' credit rating on Monday.

"It's all negative headlines today," Leger said. "There's a lot of European fears."

Leger added he wouldn't be selling stocks given that Federal Reserve and other central banks are trying to stimulate economies around the world. The Fed has committed to buying \$40 billion in mortgage bonds per month until the economy heals.

"With markets so firmly supported by central bankers, I don't want to be defensive," Leger said. "It's a gift" to investors.

Earlier Tuesday, the National Federation of Independent Business reported that business owners became increasingly pessimistic during September because of the weak hiring environment and poor sales. □



Lucia Cuttone works with fellow traders on the floor of the New York Stock Exchange Tuesday, Oct. 9, 2012. Another dire prediction about global economic growth sent stocks lower on Wall Street on Tuesday.

(AP Photo/Richard Drew)

world economy will expand 3.3 percent this year, down from the estimate of 3.5 percent growth it issued in July. Its forecast for growth in 2013 is 3.6 percent, down from 4.1 percent in April.

After the market closed, Alcoa, the aluminum company, said it earned 3 cents

at \$9.13 and gained an additional 7 cents in the first half-hour after the earnings report. Alcoa is the first of the 30 stocks in the Dow to report earnings.

Overall, analysts expect earnings at S&P 500 companies to be down compared with last year, the first de-

Allied World Assurance buys hedge fund stake

PETER LATTMAN

© 2012 New York Times

Allied World Assurance, a publicly traded insurance company, has acquired a substantial minority interest in MatlinPatterson, the private equity and hedge fund firm, according to people briefed on the deal. As part of the transaction, Allied World has also agreed to invest \$500 million in MatlinPatterson's fund strategies, these people said.

Allied World's investment is the latest example of institutional investors like insurers or pension funds taking an ownership stake in a private investment firm, while also committing substantial money to the firm's funds. Last month, for instance, Florida's state pension fund acquired a minority interest in the private equity firm

Providence Equity Partners. In 2011, the private equity firm TPG agreed to sell a small piece of itself to two sovereign wealth funds.

These deals benefit the institutional investor in several ways. They allow pensions and insurers searching for returns in difficult markets to tap the investment expertise of a money manager. Also, the institutional investor typically receives discounts on the funds in which they invest, as is the case with Allied World in its transaction with MatlinPatterson. The New York-based MatlinPatterson is a decade-old firm run by David Matlin and Mark Patterson, former executives at Credit Suisse First Boston. The firm, with about \$5.5 billion in assets under management, is best known for its investments in distressed



Scott Carmilani, Allied World Assurance Company's chief executive. After buying into MatlinPatterson, Allied World will invest \$500 million in MatlinPatterson's funds, a pattern seen in recent acquisitions by other institutional investors.

(The New York Times)

Street Briefs

Alcoa posts \$143M loss

Aluminum manufacturer Alcoa Inc. said Tuesday that it lost \$143 million in the third quarter due to hefty one-time charges but the results topped Wall Street estimates. Alcoa's loss amounted to 13 cents per share. That compares with net income of \$172 million, or 15 cents a share, a year ago. Excluding \$175 million in charges, Alcoa earned \$32 million, or 3 cents per share. Analysts surveyed by FactSet forecast break-even results on a per share basis. Revenue fell to \$5.83 billion from \$6.42 billion but still beat analysts' expectations. Alcoa produces aluminum for a wide range of businesses, from automobiles to appliance makers and energy companies. It is the first company in the Dow Jones industrial average to report quarterly earnings, so investors often watch its results for signs of how earnings may unfold for other companies.

Oil soars over supply jitters

NEW YORK (AP) — The price of oil rose more than 3 percent Tuesday on concerns about supplies from the Middle East and the North Sea. Benchmark crude gained \$3.06, or 3.4 percent, to finish at \$92.39 a barrel in New York. In London, Brent crude, which is used to price international varieties of oil, rose \$2.68, or 2.4 percent, to end at \$114.50. Analysts said that some North Sea oil rigs have been slow to resume production after undergoing maintenance. There is also concern that tensions between Turkey and Syria could escalate and disrupt supplies from the Middle East. The Middle East and North Africa account for about a third of global oil production. Worries about supplies also seemed to trump bearish news from the IMF, which cut its global growth forecast to 3.3 percent for this year from 3.5 percent and said advanced economies are at the risk of another recession. □

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Max Berger: Investors' billion-dollar fraud fighter

PETER LATTMAN

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A few days after securing the largest shareholder recovery arising from the financial crisis — \$2.43 billion from Bank of America — the plaintiffs' lawyer Max W. Berger was not taking a victory lap. "It makes me sad that in all of these scandals, no matter how good a job we do of getting results and inflicting pain, the government doesn't seem to follow suit, and nobody learns, and it's business as usual," he said in an interview. After a pregnant pause, Berger broke into a sly smile. He had another thought, "It gives us a lot of business, but it still makes me sad." With last month's settlement with Bank of America, which resolved claims that the bank had misled shareholders about its acquisition of an ailing Merrill Lynch, Berger, 66, has now been responsible for six securities class-action settlements of more than \$1 billion. His firm, Bernstein Litowitz Berger & Grossmann, based in Manhattan, has represented investors in five of the 10 largest securities-fraud recoveries. So far, it has recovered \$4.5 billion for investors in cases connected to the sub-prime mortgage collapse. "He is unquestionably one of the giants of the plaintiffs' bar," said Brad S. Karp, the managing partner at Paul, Weiss, Rifkind, Wharton & Garrison, who represented Bank of America and has faced off against Berger in several other cases. "And what sets Max apart, beyond his talents as a lawyer, is that he's a mensch, a person of real humility and integrity."

There was a time, not too

long ago, when the lions of the securities class-action bar were described in far less flattering terms. For decades, Melvyn I. Weiss and William S. Lerach, a pair

the plaintiffs' bar that at about the same time, Richard F. Scruggs, the Mississippi class-action lawyer, was imprisoned for trying to bribe a judge.)



Max Berger, second from left, senior partner at Bernstein Litowitz Berger & Grossmann, in his office in New York. With last month's Bank of America settlement, Berger has been responsible for six securities class-action settlements of more than \$1 billion. From left: Mark Lebovitch, Max Berger, Hannah Ross and Steven Singer, who all worked on the settlement.

(Tina Fineberg/The New York Times)

of brash, crafty plaintiffs' lawyers, dominated this lucrative pocket of the legal industry. Their firm, Milberg Weiss, revolutionized shareholder class-action suits by filing streams of cases against corporations, accusing them of accounting fraud. Critics called their aggressive tactics legalized blackmail. Congress passed laws aimed at reigning in their practices. The careers of Weiss and Lerach ended in disgrace in 2006, when their firm was indicted on charges that it had funneled illegal kickbacks to clients to induce them to sue. Weiss, Lerach and two other Milberg Weiss partners ultimately served prison terms. (It did not help the standing of

"To be tarred by those brushes was very upsetting, but it was even worse to have everyone presume that we operated in the same way," Berger said. "After they were charged, I can't tell you how many people said, 'Well, isn't that what all of you do?'"

Yet a half-decade after Milberg's downfall, there has been a shift in the public image and reputation of the securities class-action bar. The Bank of America settlement, which is still subject to judicial approval, comes at a moment when plaintiffs' lawyers are being praised for extracting stiff penalties from banks related to their actions during the housing boom and the subsequent economic

collapse. At the same time, resource-constrained government regulators have been criticized for not being tough enough. In several cases, private plaintiffs have settled lawsuits for amounts far greater than the government received in similar actions. Bank of America, for instance, paid the Securities and Exchange Commission just \$150 million to settle the commission's lawsuit connected to the Merrill acquisition. Judge Jed S. Rakoff reluctantly approved the SEC settlement, calling it "inadequate and misguided" and the dollar amount "paltry."

The securities class-action

bar has come under relentless assault over the years," said J. Robert Brown Jr., a corporate law professor at the University of Denver. "Yet these suits, especially the ones tied to the financial crisis, actually have had real value in the capital markets because companies need to know that there is a heavy price to pay for their misconduct." There are still detractors who scoff at that notion. These critics view securities class-action lawyers as bounty hunters who file nuisance lawsuits against deep-pocketed targets and then force them to settle rather than engage in costly litigation. □

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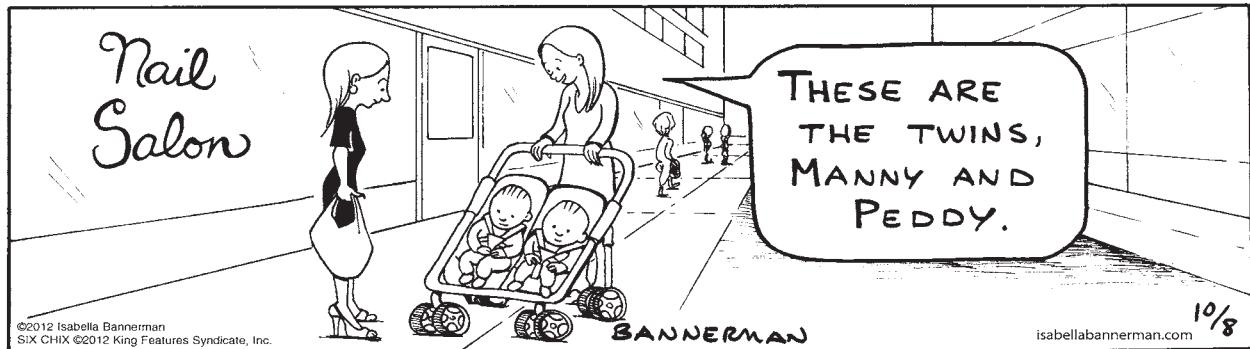
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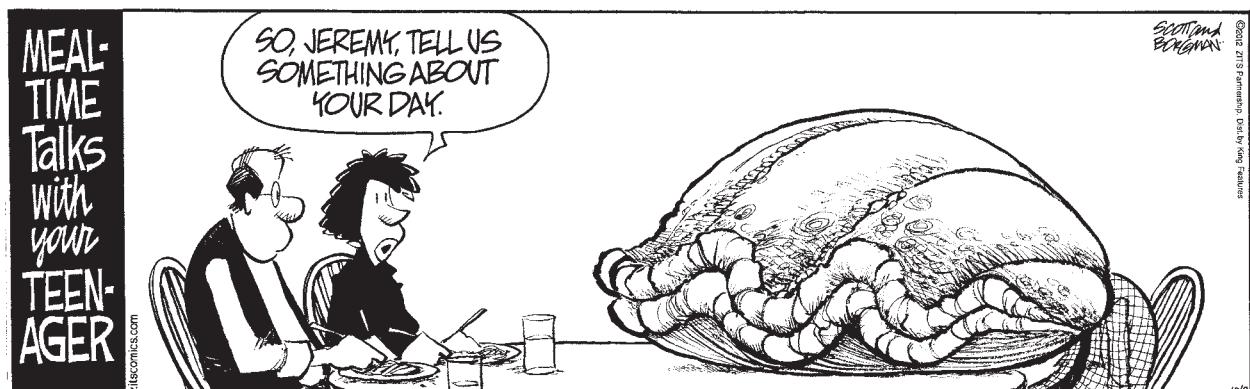
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5			2		9	3	
	3		7		1		
2		3					
9	6			8	4		
		6	3				
1			3	7			
3	9		8		1		

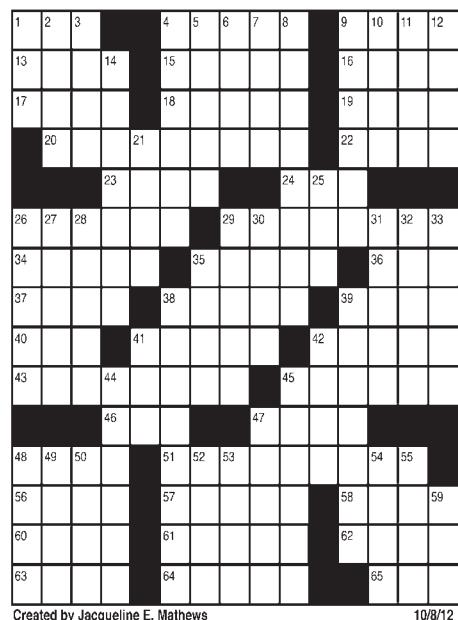
Difficulty Level ★

10/08

Sudoku is a number-placing puzzle based on a 9x9 grid with several given numbers. The object is to place the numbers 1 to 9 in the empty squares so that each row, each column and each 3x3 box contains the same number only once. The difficulty level of the Conceptis Sudoku increases from Monday to Sunday.

1	2	7	4	3	5	9	8	6
6	3	9	2	7	8	1	4	5
8	4	5	9	6	1	3	2	7
5	7	1	8	9	6	2	3	4
2	8	3	5	4	7	6	1	9
4	9	6	1	2	3	5	7	8
9	6	2	3	8	4	7	5	1
3	1	4	7	5	9	8	6	2
7	5	8	6	1	2	4	9	3

Saturday's puzzle answer



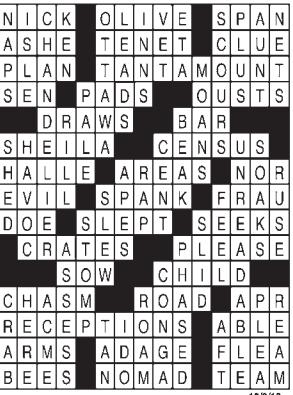
ACROSS

- 1 Read the riot to; sternly reprimand
- 4 Deep pit
- 9 Big coffee cups
- 13 "That ___ it!"; cry of disgust
- 15 Feel about blindly
- 16 Iran's continent
- 17 "Phooey!"
- 18 Wrestler Hulk
- 19 Letters on an invitation
- 20 Playwright
- 22 Uno, dos, ___
- 23 Tiny amount, in a recipe
- 24 Extremely cold
- 26 Monet or Picasso
- 29 Pet birds
- 34 Computer data destroyer
- 35 Might; strength
- 36 Took a chair
- 37 Dutch cheese
- 38 Absorbent cloth
- 39 Additionally
- 40 Scarlet or ruby
- 41 Nat King and Natalie
- 42 Iron alloy
- 43 Shook
- 45 Irritate; annoy
- 46 Take advantage of
- 47 Dishonest one
- 48 Quarrel
- 51 Loath; unwilling
- 52 House-top
- 57 With it; savvy
- 58 Hairdo
- 60 Away without permission, for short
- 61 Whiplash sites
- 62 Accept
- 63 Sickly looking
- 64 Lovers' meeting
- 65 Rush
- 5 Thin soup
- 6 Cartoon bear
- 7 Hot tubs
- 8 Guard
- 9 One who dies for his faith
- 10 Letters on an old map
- 11 ___ up; quit
- 12 Fools
- 14 Arena
- 21 Tumor
- 25 Automobile
- 26 Turn away, as the eyes
- 27 Equestrian
- 28 Swap
- 29 Intimidated; daunted
- 30 Fills with holy wonder
- 31 Tiny bit of land in the sea
- 32 Portrait stand
- 33 Took illegally
- 35 North ___; Santa's home
- 36 Broad-minded
- 39 Draw; entice

Created by Jacqueline E. Mathews

10/8/12

Saturday's Puzzle Solved



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10/8/12

- 41 Major TV network
- 50 Bamboozle
- 52 Pitcher with a flaring spout
- 42 Chair or bench
- 53 Frilly around the edges
- 44 Deaden the sound of
- 54 Ark builder
- 45 Friendliest
- 55 Polynesian carved image
- 47 Skunks; sneaks
- 48 Pitfall
- 49 Des Moines, ___
- 50 Stipend

Applicant asks court to end role of race in admissions

ADAM LIPTAK

© 2012 New York Times

WASHINGTON — Abigail Fisher is a slight young woman with strawberry blond hair, a smile that needs little prompting, a determined manner and a good academic record. She played soccer in high school, and she is an accomplished cellist.

But the university she had her heart set on, the one her father and sister had attended, rejected her.

"I was devastated," she said, in her first news interview since she was turned down by the University of Texas at Austin four years ago.

Fisher, 22, who is white and recently graduated from Louisiana State University, says that her race was held against her, and the Supreme Court is to hear her case Wednesday, bringing new attention to the combustible issue of the constitutionality of racial preferences in admissions decisions by public universities. "I'm hoping," she said, "that they'll completely take race out of the issue in terms of admissions and that everyone will be able to get into any school that they want no matter what race they are but solely based on their merit and if they work hard for it."

The university said Fisher would not have been admitted even if race had played no role in the process, and it questioned whether she has suffered the sort of injury that gives her standing to sue. But the university's larger defense is that it must be free to assemble a varied student body as part of its academic and societal mission. The Supreme Court endorsed that view by a 5-4 vote in 2003 in *Grutter v. Bollinger*. University officials said that the school's affirmative action program was needed to build a student body diverse enough to include minority students with a broad range of backgrounds and for the campus to have a "critical mass" of minority students in most classrooms. Interaction among students in



Abigail Fisher at the Supreme Court in Washington. Fisher, who is white, said her race was held against her when she applied to the University of Texas, and the Supreme Court will hear her case on Oct. 10, bringing fresh attention to the combustible issue of the constitutionality of racial preferences in admissions decisions by public universities.

(Fred R. Conrad/The New York Times)

class and around campus, said Kedra Ishop, the university's director of admissions, helps students overcome biases and make contributions to a diverse society.

"The role of UT Austin," Ishop said, "is to provide leadership to the state."

The majority opinion in the *Grutter* case, written by Justice Sandra Day

O'Connor, rejected the use of racial quotas in admissions decisions but said that race could be used as one factor among many, as part of a "holistic review." O'Connor retired in 2006, and her replacement by Justice Samuel A. Alito Jr. may open the way for a ruling cutting back on such race-conscious admissions policies, or eliminating them.

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Admissions officers at colleges and universities almost universally endorse the idea that students from diverse backgrounds learn from each other, overcome stereotypes and in so doing prepare themselves for leadership positions in society. Many critics of affirmative action say that there is at best a weak correlation between race and having a range of views presented in the classroom.

Others say the Constitution does not permit the government to sort people by race, no matter how worthy its goal.

"While racial diversity on college campuses is beneficial, it cannot be attained by racial discrimination," said Edward Blum, an adviser to Fisher and a driving force behind the Fisher case. □

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In this file image originally provided by United Feature Syndicate Inc. VIA ABC TV, Charlie Brown and Linus appear in a scene from "A Charlie Brown Christmas," a television special based on the "Peanuts" comic strip by Charles M. Schulz.

Associated Press

Charlie Brown, 'Peanuts' pals head to big-screen

LOS ANGELES (AP) — Charlie Brown and his "Peanuts" pals are coming to the big-screen.

Charles Schulz' beloved characters will star in their own animated film scheduled to hit theaters Nov. 25, 2015. That year marks the 65th anniversary of the "Peanuts" comic strip and the 50th anniversary of "A Charlie Brown Christmas," the first of the gang's many TV specials.

The as-yet-untitled film will

be produced by 20th Century Fox and its Blue Sky Studios animation unit, the outfit behind the "Ice Age" flicks and such cartoon hits as "Dr. Seuss' Horton Hears a Who!" Schulz' son Craig and grandson Bryan co-wrote the screenplay with Cornelius Uliano, and the three also are producing the film. Steve Martino, co-director of "Horton Hears a Who" and "Ice Age: Continental Drift," will direct the "Peanuts" film. □

Jason Ritter raves about TV love, Lauren Graham

ALICIA RANCILIO

Associated Press

NEW YORK (AP) — Jason Ritter says working with Lauren Graham on NBC's "Parenthood" is "one of the greatest experiences" of his life.

"Parenthood," is in its fourth season, and Ritter's character, Mark, is engaged to Graham's character, Sarah.

"I remember I was really nervous before I started working with her," Ritter said in a recent interview. "You can fake liking each other and having a relationship but it's very difficult for me. It's much easier if you have some kind of ground level of just liking each other, and so I was really relieved when we got along, and it's just been so fun and I feel like I've learned so much. She's so fast and funny and I'm constantly just like trying to keep up with her."

Ritter, 32, was introduced in the first season of "Parenthood" for a three-episode arc. It was written that he would date Sarah but they would soon break up, but the show's producers and



This image released by NBC shows Lauren Graham, left, and Jason Ritter in a scene from "Parenthood."

Associated Press

writers were so impressed with Ritter's performance, they kept writing him into episodes. He left to star in the 2010 TV drama "The Event," but they brought him back after that show was canceled.

"They just kept on sort of bringing me back," Ritter said. "First of all, I love working on that show so much. I have such a fun time, and it's so exciting and inspiring to act opposite Lauren. She's just so fun to work with and, plus, you know, in the second season, I was getting jealous of her

other ('Parenthood') boyfriends."

There's a lot to keep up with working on "Parenthood." Ritter says the actors are free to ad-lib or make changes to the dialogue. Sometimes the characters talk over each other just as people often do in real life. "Because you don't necessarily know what someone else is going to say, it keeps you on your toes and in the moment because you can't necessarily count on anything," Ritter said.

Ritter says he's not sure whether Mark's relationship with Sarah will last or whether he'll be around for the entire season.

He does have other work, voicing a character on the Disney animated show "Gravity Falls." He grew up loving cartoons and recalls his parents taking him to animation festivals. (His father is the late John Ritter, who played Jack Tripper on "Three's Company.")

"I really enjoyed 'He-Man' and 'She-Ra: Princess of Power,'" he laughed.

"Teenage Mutant Ninja Turtles" was one that I would watch like before I would go to school in the morning, like eat breakfast and watch that. I also watched the entire Disney afternoon lineup. I think it was "TaleSpin," "DuckTales," "Chip 'n' Dale Rescue Rangers" and "Darkwing Duck." I watched all four of those. For two hours. □

Louvre reveals dark faces of Old Master Raphael

PARIS (AP) — Raphael, the third in the Renaissance trinity of Michaelangelo and Leonardo Da Vinci, is famed for his serene paintings of classic subjects — orderly, predictable and harmonious.

But a landmark exhibit in Paris' Louvre museum turns this on its head.

It reveals a darker face of the Old Master — previously unknown to the public — in the 10 years up to his death. The exhibit shows how Raphael in that final phase of his life, while facing a crippling workload from a demanding Pope, allowed his students to finish many of his commissions in a more expressionist direction.



Women walk past "Sainte Marguerite", a painting by Raphael as part of the exhibition "Late Raphael" at the Louvre museum, in Paris, Tuesday, Oct. 9, 2012.

Associated Press

Louvre curator Vincent Delieuvin said Raphael also paid homage in that phase to the "dark, tense and expressive" style of Leonardo.

The Louvre said Tuesday that it's the first time all his moveable masterpieces have ever been put together. Many normally hang in

churches and other galleries around the world.

The exhibit, "Raphael: The Final Years" runs until January 14. □

Beach Boys' Brian Wilson responds to Mike Love's letter

LOS ANGELES (AP) — Brian Wilson says he felt blindsided by a news release from his Beach Boys band mate Mike Love that ended the good vibrations on the band's 50th anniversary

tour. Wilson answered Mike Love's recent explanation in The Los Angeles Times with a response in the newspaper Tuesday. Love says he was simply trying to



Led Zeppelin, from left, bassist/keyboardist John Paul Jones, guitarist Jimmy Page, singer Robert Plant, and drummer Jason Bonham participate in a press conference ahead of the worldwide theatrical release of "Celebration Day", a concert film of their 2007 London O2 arena reunion show, at the Museum of Modern Art on Tuesday, Oct. 9, 2012 in New York.

Associated Press

Led Zeppelin gets tense with reunion questions

JOHN CARUCCI
Associated Press

NEW YORK (AP) — If Led Zeppelin plans on reuniting, they have a funny way of saying it.

During a news conference Tuesday promoting their 2007 reunion concert film, "Celebration Day," the band became uncomfortable with a question about "anticipating something bigger for the band."

"We've been thinking about all sorts of things, and then we can't remember what we were thinking about," singer Robert Plant said testily. He then referred to the reporter by the pejorative term "schmuck."

Throughout the news con-

ference, the band fielded questions about a possible reunion, often responding with stoic silence.

At one point, guitarist Jimmy Page mentioned that the reunion concert was five years ago and that if there was a chance they were reuniting, you would have heard.

"Seems pretty unlikely, doesn't it?" Page said.

The film covers their 2007 reunion concert at London's O2 Arena. Original members Plant, Page, and John Paul Jones, as well as the son of the late John Bonham played a one-time tribute concert in honor of Atlantic records founder Ahmet Ertegun. □



In this June 2, 2012 file photo, Mike Love, right, of The Beach Boys, performs alongside fellow band member David Marks at the Hollywood Bowl in Los Angeles.

Associated Press

clear up confusion about post-50th anniversary dates when he issued the news release, but many — including band members Wilson, Al Jardine and David Marks — took the release as news of a firing.

"As far as I know I can't be fired — that wouldn't be cool," Wilson wrote in the Times. "The negativity surrounding all the comments bummed me out. What's confusing is that by Mike not wanting or letting Al, David and me tour with the band, it sort of feels like we're being fired."

The dueling newspaper notes are the latest turn in what's been an off-and-on again relationship for decades. Wilson and Love are cousins and founding members of the Rock and Roll Hall of Fame band that helped crystallize the California sound of the 1960s. Wilson stopped touring regularly in 1964, notes Love, who has led a version of the band on the road for the last 13 years.

As the 50th anniversary of the Beach Boys' founding

approached, Wilson and Love agreed to perform with the band's surviving early members for a new album and tour. Wilson, the creative force behind many of the band's iconic hits, said everything exceeded his expectations.

"Mike kept saying throughout the tour 'The whole is greater than the sum of its parts,' and both Al and I agree, which made us all think that he wanted to continue," Wilson wrote. "We originally started out with 50 shows, but the success and the demand kept growing and we obliged. No one knew in the beginning that this was going to be so rewarding and popular with our fans. Once we got cooking we were all stoked!"

Earlier this year, the band released a new album that debuted at No. 3 on the Billboard 200.

Love's news release ended those feelings, though. It came just before the Beach Boys were to play the last of 75 50th anniversary shows late last month

in London. Love wrote in an article that the 50th anniversary tour was always finite and that the new dates in smaller venues had long been set for the lineup toured by him.

"To avoid public confusion, and at the request of Brian's representative, we had a press release sent out detailing the differences between the two Beach Boys tours and its varying lineups," wrote Love, who noted that over a decade ago he was granted an exclusive license to tour as the "Beach Boys." "I was surprised that Brian and Al said they were surprised by this announcement. Some media outlets interpreted all of this as me firing the band." Wilson says the expectation was that both sides would help craft and approve the news release. That didn't happen and now he thinks it's Love's turn to reach out.

"That's it in a nutshell, all these conversations need to be between the shareholders, and I welcome Mike to call me," he wrote. □

It Could Be His Party



ROSS DOUTHAT
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In countries with parliamentary systems, political parties rarely lack for formal leadership. When the British Tories or Canadian Liberals are out of power, they have an official prime minister-in-waiting standing by, and a "shadow cabinet" as well. There's jockeying for influence behind the scenes, but there's always somebody out front who can claim to speak for the party, setting its agenda and making a case to the country as a whole.

Not so in the United States. Here, parties in their out-of-power years tend to slip into low-grade civil wars, with rival camps inside Washington and various warlords — er, governors — squabbling on the periphery. Not coincidentally, the parties tend to look their worst during these periods: fractious and solipsistic, intellectually confused or ideologically extreme, with opportunists grabbing for the megaphone at every opportunity.

The Republican Party has been effectively leaderless for almost six years, ever since the 2006 midterm elections made George W. Bush's lame-duck status official. John McCain was so mistrusted by conservatives that he probably would have felt like an interim figure even if he hadn't gone down to defeat in 2008, and after the general Republican rout that year, the party's public image was suddenly defined more by media personalities — from Rush Limbaugh to Glenn Beck — than by any of its elected officials.

The Limbaugh-Beck moment passed, but the vacuum remained — and for most of his two years of campaigning, as a primary candidate and then as the Republican nominee, Mitt Romney conspicuously failed to fill it.

He seemed content to take his party as he found it, and to conform rather than to lead: in the primaries because conformity was the safest way to reassure his critics, and in the general election because his campaign apparently believed that a generic Mr. Republican would be able to glide to victory in the fall.

That finally changed in the first presidential debate. In 90 prime-time minutes, the country had a glimpse of what our politics might look like if the Republican Party actually had a leader again.

What Romney executed on Wednesday night was not just a simple pivot to the center, as

much of the post-debate analysis suggested. Pivot he certainly did — stressing bipartisanship and touting his record as the moderate governor of a liberal state, backing away from the more implausible spending cuts implied by his budget promises, explicitly breaking with the idea that upper-bracket tax cuts can be a self-financing free lunch.

But this wasn't some sort of Sister Souljah moment, where Romney called out his fellow conservatives in order to curry favor with the center. Rather, what he did was clarify, elevate and translate. He clarified what kind of tax reformer he would be, by promising that revenue neutrality would take priority over sweeping cuts for the rich — a premise that plenty of Republicans are already happy to accept.

He elevated an argument that's increasingly popular among conservative wonks — that the Dodd-Frank financial reform perpetuates "too big to fail" — and used it to make a populist case against the president. And he translated the basic free-market vision to a nonideological audience, by talking more about decent jobs than heroic job creators, and more about the struggling middle class than about the supposedly persecuted John Galt.

This is the role that an effective party leader ought to play. Media fantasies notwithstanding, you can't lead a party by repudiating its base or campaigning against its reigning ideology. But you can lead by channeling the base's passions in a constructive direction, and by reinterpreting the party's ideology to meet the challenges of the present day.

One debate does not such a leader make. But at the very least, the fact that Romney's strategy worked so effectively last Wednesday — that it made him seem mainstream and appealing while also winning him plaudits from almost every sort of conservative — suggests that the Republican Party can actually be led, and that its politicians don't have to be prisoners of talking points and groupthink.

Indeed, the party may actually be ripe for such leadership. Cut through the Kabuki narratives on the contemporary right — the grass roots versus the establishment,

the True Conservatives versus the RINOs — and you'll find that what conservatism actually stands for, issue by issue and policy by policy, is more up for grabs than at any point since the Reagan revolution.

The Reagan nostalgia, the fears of looming socialism, the paranoia about a shiftless 47 percent: They are all symptomatic of a party on the brink of transition rather than one incapable of change. Republicans seem to be clinging to the past mostly because their leaders haven't shown them what they should stand for in the present. □



Truth About Jobs



PAUL KRUGMAN
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If anyone had doubts about the madness that has spread through a large part of the American political spectrum, the reaction to Friday's better-than-expected report from the Bureau of Labor Statistics should have settled the issue. For the immediate response of many on the right — and we're not just talking fringe figures — was to cry conspiracy.

Leading the charge of what were quickly dubbed the "BLS truthers" was none other than Jack Welch, the former chairman of General Electric, who posted an assertion on Twitter that the books had been cooked to help President Barack Obama's re-election campaign. His claim was quickly picked up by right-wing pundits and media personalities.

It was nonsense, of course. Job numbers are prepared by professional civil servants, at an agency that currently has no political appointees. But then maybe Welch — under whose leadership GE reported remarkably smooth earnings growth, with none of the short-term fluctuations you might have expected (fluctuations that reappeared under his successor) — doesn't know how hard it would be to cook the jobs data.

Furthermore, the methods the bureau uses are public — and anyone familiar with the data understands that they are "noisy," that especially good (or bad) months will be reported now and then as a simple consequence of

statistical randomness. And that in turn means that you shouldn't put much weight on any one month's report.

In that case, however, what is the somewhat longer-term trend? Is the U.S. employment picture getting better? Yes, it is.

Some background: the monthly employment report is based on two surveys. One asks a random sample of employers how many people are on their payroll. The other asks a random sample of households whether their members are working or looking for work. And if you look at the trend over the past year or so, both surveys suggest a labor market that is gradually on the mend, with job creation consistently exceeding growth in the working-age population. On the employer side, the current numbers say that over the past year the economy added 150,000 jobs a month, and revisions will probably push that number up significantly. That's well above the 90,000 or so added jobs per month that we need to keep up with population. (This number used to be higher, but underlying workforce growth has dropped off sharply now that many baby boomers are reaching retirement age.)

Meanwhile, the household survey produces estimates of both the number of Americans employed

and the number unemployed, defined as people who are seeking work but don't currently have a job. The eye-popping number from Friday's report was a sudden drop in the unemployment rate to 7.8 percent from 8.1 percent, but as I said, you shouldn't put too much emphasis on one month's number. The more important point is that unemployment has been on a sustained downward trend.

But isn't that just because people have given up looking for work, and hence no longer count as

unemployed? Actually, no. It's true that the employment-population ratio — the percentage of adults with jobs — has been more or less flat for the past year. But remember those aging baby boomers: the fraction of American adults who are in their prime working years is falling fast. Once you take the effects of an aging population into account, the numbers show a substantial improvement in the employment picture since the summer of 2011. None of this should be taken to imply that the situation is good, or to deny that we should be doing better — a shortfall largely due to the scorched-earth tactics of Republicans, who have blocked any and all efforts to accelerate the pace of recovery. (If the American Jobs Act, proposed by the Obama administration last year, had been passed, the unemployment rate would probably be below 7 percent.) The U.S. economy is still far short of where it should be, and the job market has a long way to go before it makes up the ground lost in the Great Recession. But the employment data do suggest an economy that is slowly healing, an economy in which declining consumer debt burdens and a housing revival have finally put us on the road back to full employment.

And that's the truth that the right can't handle. The furor over Friday's report revealed a political movement that is rooting for American failure, so obsessed with taking down Obama that good news for the nation's long-suffering workers drives its members into a blind rage. It also revealed a movement that lives in an intellectual bubble, dealing with uncomfortable reality — whether that reality involves polls or economic data — not just by denying the facts, but by spinning wild conspiracy theories. □

Attention disorder or not, drugs are the choice

ALAN SCHWARZ

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CANTON, Ga. – When Dr. Michael Anderson hears about his low-income patients struggling in elementary school, he usually gives them a taste of some powerful medicine: Adderall. The pills boost focus and impulse control in children with attention deficit hyperactivity disorder. Although ADHD is the diagnosis Anderson makes, he calls the disorder "made up" and "an excuse" to prescribe the pills to treat what he considers the children's true ill – poor academic performance in inadequate schools.

"I don't have a whole lot of choice," Anderson, a pediatrician for many poor families in Cherokee County, north of Atlanta, said in an interview. "We've decided as a society that it's too expensive to modify the kid's environment. So we have to modify the kid."

Anderson is one of the more outspoken proponents of an idea that is gaining interest among some physicians. They are prescribing stimulants to struggling students in schools starved of extra money – not to treat ADHD, necessarily, but to boost their academic performance.

It is not yet clear whether Anderson is representative of a widening trend. But some experts note that as wealthy students abuse stimulants to raise already-good grades in colleges and high schools, the medications are being used on low-income elementary schoolchildren with faltering grades and parents eager to see them succeed. "We as a society have been unwilling to invest in very effective nonpharmaceutical interventions for these children and their families," said Ramesh Raghavan, a child mental-health services researcher at Washington University in St. Louis and an expert in prescription medication use among low-income children. "We are effectively forcing local community psychiatrists to use the only tool at their disposal,

which is psychotropic medications."

Dr. Nancy Rappaport, a child psychiatrist in Cambridge, Mass., who works primarily with lower-income children and their schools, added: "We are seeing this more and more. We are using a chemical straitjacket instead of doing things that are just as important to also

She said each was having trouble listening to instructions and concentrating on schoolwork.

"My kids don't want to take it, but I told them, 'These are your grades when you're taking it, this is when you don't,' and they understood," Williams said, noting that Medicaid covers almost every penny of

of the disorder has risen steadily for over a decade, with some doctors gratified by its widening recognition, but others fearful that the diagnosis, and the drugs to treat it, are handed out too loosely and at the exclusion of nonpharmaceutical therapies. The Drug Enforcement Administration classifies these

tors said they did not follow this protocol when making their ADHD diagnoses, with many of them following personal instinct.

On the Rocafort family's kitchen shelf in Ball Ground, Ga., next to the peanut butter and chicken broth, sits a wire basket brimming with bottles of the children's medications prescribed by Anderson: Adderall for Alexis, 12; and Ethan, 9; Risperdal (an anti-psychotic for mood stabilization) for Quintn and Perry, both 11; and Clonidine (a sleep aid to counteract the other medications) for all four, taken nightly. Quintn began taking Adderall for ADHD about five years ago, when his disruptive school behavior led to calls home and in-school suspensions. He immediately settled down and became a more earnest, attentive student – a little bit more like Perry, who also took Adderall for his ADHD.

When puberty's chemical maelstrom began at about 10, though, Quintn got into fights at school because, he said, other children were insulting his mother. The problem was, they were not; Quintn was seeing people and hearing voices that were not there, a rare but recognized side effect of Adderall. After Quintn admitted to being suicidal, Anderson prescribed a week in a local psychiatric hospital, and a switch to Risperdal.

While telling this story, the Rocaforts called Quintn into the kitchen and asked him to describe why he had been given Adderall.

"To help me focus on my school work, my homework, listening to Mom and Dad, and not doing what I used to do to my teachers, to make them mad," he said. He described the week in the hospital and the effects of Risperdal: "If I don't take my medicine I'd be having attitudes. I'd be disrespecting my parents. I wouldn't be like this."

Despite Quintn's experience with Adderall, the Rocaforts decided to use it with their daughter, Alexis, and son, Ethan. □



Amanda and Rocky Rocafort with their children, who have received a diagnosis of Attention deficit hyperactivity disorder and been prescribed Adderall, in Ball Ground, Ga. Some experts fear that prescribing drugs to help a struggling student may be exposing children to unwarranted physical and psychological risks. From left: Alexis, 12, Amanda, Ethan, 9, Quintn, 11, Rocky, and Perry, 11.

(Bryan Meltz/The New York Times)

do, sometimes more."

Anderson's instinct, he said, is that of a "social justice thinker" who is "evening the scales a little bit." He said that the children he sees with academic problems are essentially "mismatched with their environment" – square pegs chafing at the round holes of public education. Because their families can rarely afford behavior-based therapies like tutoring and family counseling, he said, medication becomes the most reliable and pragmatic way to redirect the student toward success.

"People who are getting A's and B's, I won't give it to them," he said. For some parents the pills provide great relief. Jacqueline Williams said she can't thank Anderson enough for diagnosing ADHD in her children – Eric, 15; Chekiara, 14; and Shamya, 11 – and prescribing Concerta, a long-acting stimulant, for them all.

her doctor and prescription costs.

Some experts see little harm in a responsible physician using Ritalin or its siblings to help a struggling student. Others – even among the many like Rappaport who praise the use of stimulants as treatment for classic ADHD – fear that doctors are exposing children to unwarranted physical and psychological risks. Reported side effects of the drugs have included growth suppression, increased blood pressure and, in rare cases, psychotic episodes.

The disorder, which is characterized by severe inattention and impulsivity, is an increasingly common psychiatric diagnosis among American youth: about 9.5 percent of Americans ages 4 to 17 were judged to have it in 2007, or about 5.4 million children, according to the Centers for Disease Control and Prevention.

The reported prevalence

medications as Schedule II Controlled Substances because they are particularly addictive. Long-term effects of extended use are not well understood, said many medical experts, some of who worry that children can become dependent on the medication well into adulthood, long after any ADHD symptoms can dissipate.

According to guidelines published last year by the American Academy of Pediatrics, physicians should use one of several behavior rating scales, some of which feature dozens of categories, to make sure that a child not only fits criteria for ADHD, but also has no related condition such as dyslexia or oppositional defiant disorder, in which intense anger is directed toward authority figures. However, a 2010 study in the *Journal of Attention Disorders* suggested that at least 20 percent of doc-